

Notable British Trials

King Charles the First

NOTABLE BRITISH TRIALS SERIES.

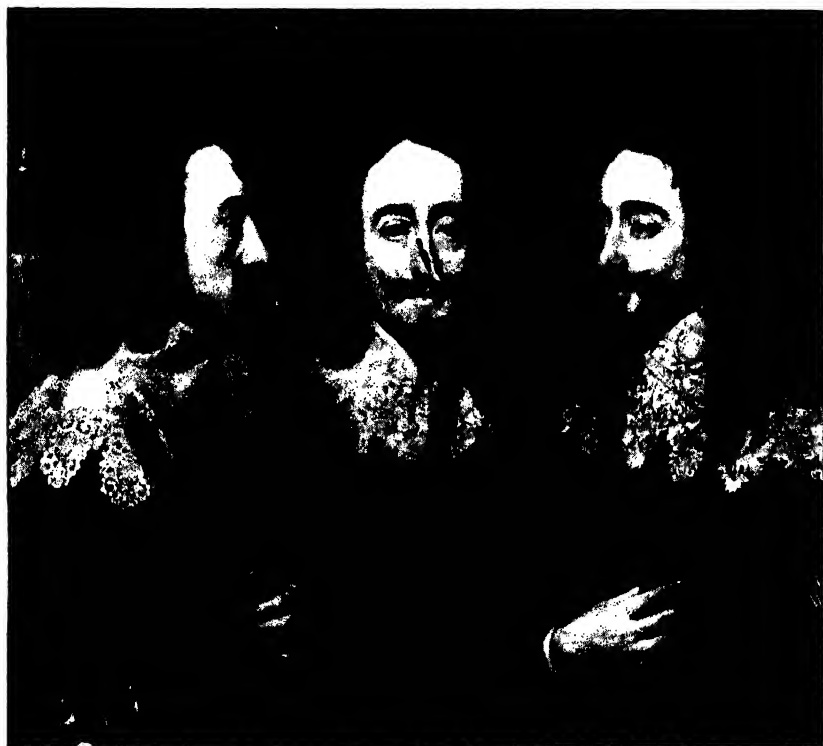
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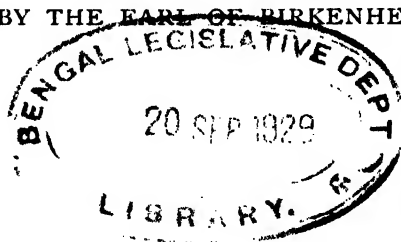
King Charles the First

BY

J. G. MUDDIMAN, M.A.(Oxon.)

Author of "A History of English Journalism to the Foundation of the 'Gazette,'" "The Times' Tercentenary Handlist of English and Welsh Newspapers," and "The King's Journalist," &c.

WITH A FOREWORD BY THE EARL OF BIRKENHEAD



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FOREWORD.

I HAVE great pleasure in recommending Mr. J. G. Muddiman's account of the trial and death of Charles I. as a valuable contribution to the literature of a highly controversial subject. His knowledge of the period and his indefatigable research make the present book by far the most authoritative and documented survey that has yet been published.

Mr. Muddiman bears a name famous to historians. An earlier Muddiman, one of the same family, was joint-founder and editor of the *London Gazette*, while his development of the "news-letter" must give him an important share in the creation of the popular newspaper of later days. His news-letters are the main journalistic source for inquiry into the events of the reign of Charles II., and I understand that Mr. J. G. Muddiman proposes to utilise them at a future date for a study of that period.

Mr. Muddiman insists, it is interesting to note, that the journalists of the times should be studied before the various contemporary memoirs are taken into account. He shows, for example, that Herbert, whose memoirs have hitherto been relied upon by writers of all schools, emerges very badly from a comparison with the writers for the press of the same day. Thus, the press is vindicated and such memoirists as Herbert are convicted of liability to gross errors.

Readers will see that the present volume definitely supersedes the account of the trial in *State Trials*. The latter, Mr. Muddiman shows, was in its latest edition a Whig compilation, whose editor not merely tampered, for political purposes, with the originals of the Stuart documents, but even stooped to reprint matter which can be proved to be untrue.

Apart, however, from the deliberate partisan controversy, maintained even to-day between the adherents of "St. Charles

the Martyr " and those of the Puritans, there are many matters still open to discussion. Quite recently an argument has taken place in *Notes and Queries* as to the window from which the condemned King stepped upon the scaffold. I do not doubt that this book will be the occasion of further debate, but the array of authorities Mr. Muddiman cites shows that he has taken every possible care to determine disputed points.

I do not propose in this place to do more than mention the main legal aspect of the trial. Had the Court which condemned Charles the right and authority to do so? We know that Sir Orlando Bridgeman told John Cook, the solicitor who directed the prosecution, at the latter's trial in 1660: " You speak of a Court. 1. It was no Court. 2. No Court whatsoever could have any power over a King in a coercive way as to his person." And Algernon Sidney, too, said to Cromwell, " This Court can try no man." Readers of Mr. Muddiman's book will be able to form their own opinion on this point.

I recommend this work very warmly both to students of the period and also to the less specialised reader.

BIRKENHEAD.

PREFACE.

As one object of the present book is to set out in full a record of the so-called "trial" of Charles I., never before printed, collating with it all other known contemporary accounts, a few words about the history of this record, which I have termed "Bradshawe's Journal," are a necessary preliminary to what I have to relate.

The history of this vellum-bound volume, now amongst the State Papers at the Record Office, commences with its own statements at the end of it. On 2nd February, 1649, the third day after the King had been beheaded, seven of the regicides, viz., Garland, Ireton, Lisle, Marten, Sir Hardress Waller, Scot, and Say, were ordered by their fellow-members of the pretended Court "to peruse and consider the whole narrative of the proceedings of the Court and prepare the same to be presented to the House of Commons." For that purpose they were to meet at Bradshawe's lodgings at nine o'clock in the morning of the next day, and endeavour to finish the matter so that it might be in readiness to be presented to the House "on Monday morning next" (5th February). The Journal prepared by these men, therefore, may justly be styled "Bradshawe's Journal."

The subsequent history of this Journal, which was signed by both the clerks of the "Court," Andrew Broughton and John Phelps, suggests that it was known that it did not report the full facts of all that occurred. In any case some of the regicides thought it best to keep it back for a time. Say, who was to have presented the Journal to the House on 5th February, did not do so. On the 9th, therefore, the House ordered that it should be "brought in forthwith." Even this order was not complied with, and not until 12th December, 1650, at a time when Cromwell was absent in Scotland, did Say venture to present "Bradshawe's Journal" to the House. The "Journal," &c., was then "read at large by the clerk," the House thanked all concerned, and ordered that all proceedings should be engrossed in a roll and recorded amongst the Parliament rolls. They were also to be recorded in all the Courts and by every *custos rotulorum* in Eng-

land. None of these orders was carried out, and when the House of Lords in 1660 sent for the copy ordered to be enrolled amongst the Parliament rolls it could not be found. The House of Commons, however, found the copy transcribed amongst the papers of Henry Scobel, who had been clerk to the "Parliaments" of the Interregnum, and this was used by counsel at the trials of the regicides in that year, 1660.

Up to the present the records usually quoted of the proceedings in Westminster Hall and in the Painted Chamber have been two in number, namely, the official prints (signed "C. W.") licensed at the time by Gilbert Mabbot, and an incomplete print of the "Journal of the High Court of Justice," transcribed by Dr. John Nalson from the journal kept by one only of the two clerks, John Phelps, published by Nalson in 1684. Nalson's "Journal" sets out the proceedings in the Painted Chamber, omitted in C. W.'s account, but the further proceedings, recited above, do not appear in it.

Comparison of the three records proves that "Bradshawe's Journal" was carefully revised. Verbal differences are continuous. Bradshawe's quotations are given in full, and thus it has been easy to verify his references. And the proceedings are more fully recorded in "Bradshawe's Journal," for some speeches of both the King and Bradshawe do not appear in either of the two other records. Lastly, the record of the first day's proceedings is the fullest that has yet appeared.

Whilst all this was evident, it soon became clear that, like the other two records, "Bradshawe's Journal" suppressed facts and gave no truthful account of the attitude of the public towards the pretended Court, Lady Fairfax's intervention upon both the first and the last days' proceedings in open Court being, in the first instance, wholly, and in the second, partly, suppressed. No record even mentions her name. Therefore, additional facts from all other known records and the first-hand statements of witnesses have been interpolated into "Bradshawe's Journal," care being taken at the same time to enable the reader to see for himself to which authority he is being referred. "Bradshawe's Journal" has been printed in full in the present book; the proceedings in the Painted Chamber being set out in Appendix A.

A bibliography of reports of the "trial," believed to be exhaustive, has been appended to this preface.

For the narrative of the events preceding and following the "trial" the present writer has relied chiefly upon the journals

of the times, and, as far as possible, has not dealt with the political history of the period. To describe King Charles I. as a man, and to give an account of the indignities and insults offered to him both before and after his death, has been the object kept in view.

The "Newsbooks" published at the time (for so the quarto pamphlets which preceded the later "newspapers" were termed) were all controlled by a licenser, and, in addition, there were a number of unlicensed Royalist "Mercuries," issued in defiance of the authorities for the time being. Very little was known about the writers and licensers of all these periodicals up to the year 1908, when the present writer took in hand the task of cataloguing the periodicals and of identifying their writers and licensers; but the result of a great amount of "spade work" on these subjects convinced him that the proper method of investigating any of the episodes of the Great Rebellion and Interregnum was to find out what the writers of these periodicals said about them before taking into account other contemporary sources, printed or manuscript. This method has been followed in the case of the present book, with the result that a great amount of detail omitted by the memoir writers of the time has been brought to light. And as the periodicals were written weekly, describing each event within a few days after it happened, it has been found possible by their help to correct dates and place in their proper sequence events misdated or misplaced by other sources and other writers.

The present book, therefore, is based upon the work of the journalists of the time, and the work of the other writers of those days has been utilised, partly to fill in details not described in the periodicals, and partly to corroborate them where corroboration is necessary. The task has not been an easy one, for sources are so numerous, so difficult of access in some cases, and so scattered that it is no exaggeration to say that the present book has been in intermittent preparation for many years. Traditions have had to be examined one by one and their foundations in fact traced to their sources, or else they have had to be dismissed as mere rubbish, the product, in many instances, of the eighteenth century.

Many years of work have convinced the writer that the great "Thomason Collection" of the tracts of the times (which includes the "Newsbooks"), now at the British Museum, is to all intents and purposes complete, and that the old collector's MS. dates, placed upon these, are correct. But since many of these tracts

are still difficult to trace, in spite of the excellent "Catalogue of the Thomason Tracts" (in which there are some omissions), the press marks of these tracts have, as a rule, been appended to the reference notes and quotations from them.

As regards the spelling of surnames, which at the time was phonetic and very often wildly contradictory, the writer has come to the conclusion that it is best to give these various renderings as they were written or printed, but that in describing these men the spelling they themselves adopted should be used. Bradshawe, for instance, never signed his name without the final "e," as the numerous instances of his signature among the Domestic State Papers prove.

J. G. MUDDIMAN.

LONDON, *June*, 1928.

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Dates of Publication.

- (1) Jan. 20, 1649. The Kings Tryal . . . on Saturday, Jan. 20, 1648/9. Imprimatur Gilbert Mabbot. London. Printed for Thomas William, E.536(26).
(Probably suppressed. No more issued.)

- (2) Jan. 20. Collections of Notes taken at the Kings Tryal . . . on Jan. 20 . . . by H. Walker, who was present, &c. Jan. 20, 1648(9). Imprimatur Theodore Jennings. Printed by Robert Ibbitson. E.538(27).

- (3) Jan. 22. A Perfect Narrative of the whole proceedings of the high court of Justice . . . on Saturday 20th and Monday the 22nd . . . By C. W. Imprimatur Gilbert Mabbot. (Two editions.) Printed for John Playford, &c. E.538(28).

- (4) Jan. 22. Collections of Notes taken at the Kings tryall . . . on Monday last Jan. 22 . . . (By Henry Walker?) Printed by Robert Ibbitson, &c. Imprimatur Theodore Jennings. E.538(30).

- (5) Jan. 23. Collections of Notes taken at the Kings tryall . . . on Jan. 23 . . . (By Henry Walker.) Imprimatur Theodore Jennings. Printed by Robert Ibbitson. E.539(4).

- (6) Jan. 23. No. 2. A continuation of the Narrative, being the third and fourth (sic) days proceedings of the high court of Justice . . . Imprimatur Gilbert Mabbot . . . Printed for John Playford. (Two editions.) By C. W. E.539(15).

- (7) Jan. 27. Collections of Notes taken at the Kings tryall . . . on Jan. 27. (By Henry Walker.) Imprimatur Theodore Jennings. Printed by Robert Ibbitson. E.540(9).

- (8) Jan. 27. No. 3. A continuation of the Narrative of the last and final days proceedings of the high court of Justice. . . . By C. W. Imprimatur Gilbert Mabbot . . . Printed for John Playford. E.540(14). (Two editions.)

- (9) Feb. 23. King Charles his tryal; or a perfect narrative of the whole proceedings of the High Court of Justice . . . Begun Saturday, Jan. 20 and ended on Saturday, Jan. 27. . . . By C. W. Imprimatur Gilbert Mabbot. Printed for Peter Cole, Francis Tyton, and John Playford. (Two editions.) (This is a reprint of the whole of Nos. 3, 6, and 8. "State Trials" reprints this, with omissions and an incorrect interpolation into the text where a line is left blank in the original.) E.545(4). The three publishers were arrested and their copies seized in November, 1649, probably owing to the allusion to Lady Fairfax. See Cal. S.P.Dom. 1649-1650, pp. 401 and 555.

Dates of Publication.

- (10) MS. 'A Journal of the Proceedings of the high court of justice erected by Act of the Commons of England, entitled 'An Act of the Commons of England for erecting of a high court of justice for the trying and judging of Charles Stewart (sic), King of England,' as it was reported under the hands of Andrew Broughton and John Phelps, clerks of the said court." (Set out in full, in the present book. This is to be seen at the Record Office and is S.P.Dom.Car. I., Vol. 517.)
- (11) Mar. 3, 1650. *Historie entière et véritable du procès de Charles Stuard . . . A Londres. Imprimé par J(ohn) G(rismond) l'an 1650.* (This is a translation of the trial portion of the above "Journal of the proceedings of the High Court of Justice." It was the only version of it ever printed, and was licensed by Milton according to the Stationers Register for 16th December, 1649. Thomason tract E.1353(1). A second edition was published in Paris about 1750, with an engraving of the beheading of the King by Bernard Picart.)
- (12) 1655. "The Full Proceedings of the High Court of Justice against King Charles . . . translated out of the Latin by J. C." (This is of little value.) E.1506(2).
- (13) 1684. Dr. John Nalson's transcript of the "Journal of the High Court of Justice" from the manuscript (now untraceable) of one clerk only, John Phelps. Nalson omits from this the final harangue of Bradshawe to the King, on Jan. 27. The material portions of this book are reprinted in State Trials.

NINE WEEKLY NEWSBOOKS IN EXISTENCE DURING JANUARY AND FEBRUARY,
1649, IN ORDER OF IMPORTANCE.

- A. "The Moderate Intelligencer" (by John Dillingham).
- B. "The Moderate" (by Gilbert Mabbot, the licenser).
- C. "Perfect Occurrences" (by Henry Walker).
- D. "The Perfect Weekly Account" (by B. D.).
- E. "The Kingdoms Weekly Intelligencer" (by R. C.).
- F. "The Perfect Diurnall" (by Samuel Pecke).
- G. "A Perfect Collection" (by Theodore Jennings, No. 1, 22nd to 29th Jan., 1649).
- H. "The Kingdoms Faithful Scout" (by Daniel Border, No. 1, 26th Jan.-2nd Feb.).
- I. "The Armies Modest Intelligencer" (No. 1, 19th-26th Jan., 1649).
- Of these, "Perfect Occurrences" was licensed by Henry Whaley, Advocate-General of the Army, and "A Perfect Collection" by its writer, Theodore Jennings, one of the messengers of the Council of State, who was also a licenser. All the rest were licensed by Gilbert Mabbot.

KING CHARLES THE FIRST.

SECTION I.

Introduction.

KING CHARLES I. was the second son and fourth child of James VI. of Scotland and his Queen, Anne of Denmark, and was born at Dunfermline on 19th November, 1600. His public baptism took place with great splendour at Holyrood on 30th December, David Lindsay, Bishop of Ross, officiating, and his godfathers being the two Huguenot leaders, the Duc de Rohan and his brother, M. de Soubise. The name Charles was given him after his father, whose full name was Charles James, Charles being in honour of Charles IX. of France, who had been godfather to James VI. The Prince was at the same time created Duke of Albany.

After James VI. had succeeded to the throne of Elizabeth on 24th March, 1603, thus becoming James I. of England, Prince Charles was created Duke of York in 1605. The death of his elder brother, Prince Henry, in 1612, made him heir to the throne, though he was not created Prince of Wales until 3rd November, 1616.

As a child the future King was weak and sickly, "not likely to live," and it was long before he was able to speak owing to a slight impediment in his speech inherited from his father. Owing to the wise guardianship of Lady Carey, to whom the boy was entrusted between the ages of four and eleven, and who insisted upon nature being allowed to cure his physical defects, Charles grew up a shy and reserved lad, but healthy and devoted to field sports. Lady Carey's husband, Sir Robert, who was created Earl of Monmouth by Charles in 1626, was the Elizabethan courtier who had placed relays of horses all the way from London to Edinburgh in order to be the first to announce to James I. his succession to the Crown upon the death of Elizabeth.

For his tutor Charles had the learned but puritanically inclined Scotsman, Thomas Murray, who was appointed Provost of Eton just before he died. Under Murray's care the young Prince made rapid progress and was so good a theologian that his

King Charles I.

delighted father once told his chaplains, " Charles shall manage a point in controversy with the best-studied divine of you all." As he grew up to manhood, Charles acquired all the accomplishments of the young men of the times without their vices. He " rode the great horse " with address, and was proficient in vaulting, " running at the ring," and shooting with crossbow or musket. His tastes were refined; it was observed that " he blushed like a girl whenever an immodest word was uttered in his presence," and he was passionately fond of music and an excellent judge of works of art. Frugality, economy, and order were visible in his management of his own household, but he hesitated in coming to a decision, was too much inclined to what many foreign observers term the " English vice " of compromise, and in character resembled much his son, James II., whose lack of tact and utter want of the sense of humour, so conspicuous in the case of Charles II., seem to have been inherited from his father. So many " characters " of Charles, as King, were written by contemporaries that it may be as well to quote what is perhaps the least known of them all, but the most pertinent for the subject of this book—that written by Sir Richard Bulstrode:

" He was no great scholar, his learning consisted more in what he had seen than what he had studied; his judgment was good and better than that of most of his Ministers. The misfortune was that he seldom depended upon it, unless in matters of his own religion, wherein he was always very stiff. His arguing was beyond measure civil and patient. He would seldom or never contradict any man angrily, but would always say, ' By your favour, I think otherwise ' ; or, ' I am not of your opinion.' He would discourage any bold address to him, and did not love strangers; and, whilst he was upon the throne, he would permit none to enter abruptly with him into business. He was wiser than most of his Council, yet so unhappy as seldom to follow his own judgment. He would always, whilst in his Court, be addressed to by proper Ministers, and still kept up the dignity of his Court, limiting all persons to places suitable for their employment, and quality, and would there only hear them, unless he called for them in particular. Besides the ladies and women who attended the King, he permitted no Minister to have his wife at Court. He spake but slowly, and would stammer a little when he began to speak eagerly. He seldom or never made his own dispatches till his latter days, but would still mend or alter

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them; and to that purpose he found it better to be a cobbler than a shoemaker. As to his religion, he was very positive in it, and would bear no arguments against it.”¹

Religion in England during the reign of Charles I. was divided into three great categories—the “Protestants,” later on to term themselves the “true Protestants,” a term usually confined to the members of the Established Church; the Puritans, or Calvinists, who also were numerous in the Established Church, and under which general term many minor sects were comprised; and the Catholics. As regards the latter, report was made to Rome that in 1634 there were no fewer than five hundred secular priests on the English mission, and that there were in addition about a hundred and sixty Jesuits, a hundred Benedictines, thirty Franciscans, and seven or eight members of other religious orders. Nominally, the lay Catholics numbered about a hundred and fifty thousand out of a total population of under five millions; in reality they were far more numerous, for the savagery of the penal laws and the exorbitant fines levied upon them for not going to church (from which James I. himself stated he received £36,000 a year) had forced numbers to an outward compliance with the State religion. Nineteen priests and seven lay Catholics suffered death for their religion under James I., the last being Father Southorne, executed at Durham on 30th April, 1618; but towards the close of his reign brighter times dawned for the Papists. James I.’s Queen, Anne of Denmark, who had been brought up a Lutheran, had recoiled from the more austere Anglican ceremonial of the times, and constantly heard mass in secret, and James himself, intent upon marrying Charles to the Infanta of Spain, saw that if his plan succeeded measures of toleration would be necessary. No priests, therefore, were executed after 1618.

In 1620 an event happened which rendered James I. keener than ever to conclude the “Spanish match”—an event so momentous that it initiated the Thirty Years’ War, and gave birth to the first English newspaper. In 1613 James I. had given his daughter Elizabeth in marriage to the Elector Frederick, Prince Palatine of the Rhine, commonly called the Palsgrave. As the Palsgrave was a strong Calvinist, this marriage delighted the

¹ Sir Richard Bulstrode (born 1610, died 1711), “Memoirs and Reflections upon the Reigns and Governments of King Charles the First and King Charles the Second,” pp. 184, 185.

King Charles I.

English Puritans, and thus they admiringly termed his wife "The Queen of Hearts." At first all went well with James's son-in-law, but, on 25th October, 1619, he took the fatal step of accepting the Crown of Bohemia, offered him by the Protestant rebels in that country in defiance of their lawful King, Ferdinand, elected Emperor of Germany only two days later on. The Palsgrave and his chaplain, Scultetus, signalled their entry into Prague by a series of outrages which drew upon them the wrath of the Lutherans and "Utraquists" (Hussites), as well as that of the Catholics. They "purged" the Hradschin and Cathedral and churches of the city, breaking down altars and images, committing service books and pictures to the flames, and destroying vestments with profanations recalling those told of the Puritans in our own Civil Wars. It was at this time that it became the custom in South Germany when the priest intoned the "Credo" at High Mass for every sword to leap from its scabbard and flash aloft until the Confession of Faith was ended.

Nevertheless, hopes ran high among the English Puritans. If the Palsgrave made good his position as King of Bohemia, he would probably become the first Protestant Emperor, and, if so, Calvinism would be triumphant all over the world. Even Rome itself might be lost to the Pope.² All these hopes were shattered in the course of a single hour, on Sunday, 8th November, 1620, at the battle of the "Weissenberg" (as it was termed in England), a hill 1245 feet high outside Prague, where the army of the Catholic League, under Tilly, Bucquoi, and Duke Maximilian of Bavaria, well-nigh annihilated the Palsgrave's army entrenched upon the hill under the command of Christian of Anhalt.³ When at last James I.'s son-in-law, who (thinking his army was securely entrenched against the League) had been entertaining his father-

² This was clearly expressed in the printed account published in England of the baptism at Prague, by Scultetus, of Prince Rupert. The child's name was chosen in order to recall "that the first Roman Emperor of his Majesty's family was so called; but questionless, this was a direction of both the Councils and a policie of the Prince of Transylvania (Bethlen Gabor, the godfather, another Calvinist) to induce the people to conceive or apprehend that there might once again be Emperors from their new Bohemian King."

³ See the present writer's notes to p. 8 of the Introduction to the "Times' Tercentenary Handlist of English and Welsh Newspapers," and the authorities cited in them. The "Handlist" also contains a catalogue of the recently discovered early "corantos" issued after the battle. The name, "White Hill," applied to the "Weissenberg" by modern writers, was unknown in the days of James I.

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in-law's ambassadors at dinner, sallied forth to the rescue, all was over, and he was compelled to flee over the Giant Mountains in such haste that he dropped his English Order of the Garter by the way. A soldier picked the jewel up and carried it to Tilly, who gave the man 50 thalers. Among the volunteers fighting for the League on that day was the French philosopher, Descartes.⁴

Ridiculed all the world over under the nickname of the "Winter King," that is the king chosen by children from amongst themselves for their Twelfth Night revels (a custom forgotten nowadays), the Palsgrave and the "Queen of Hearts" were placed under the ban of the Empire and driven from the Palatinate. Forced to take refuge in Holland, they there became dependants upon the bounty of the States and of the Palsgrave's father-in-law, James I. The anguish with which the news of the battle was received in England, particularly by the Puritans, was intense. It was "fearful news," wrote James Howell. Prince Charles, who, perhaps, was more concerned with the fate of his sister than with the religious results of the battle, shut himself up for two days, refusing to see any one. But English and Scots Puritans alike were determined that, in England at any rate, there should be no triumph of either Catholicism or, what was almost equally hateful to them, the Arminian Protestantism, analogous to Lutheranism in ceremonial, to which a large party in the Church of England was already committed. So even thus early the stage was set for the conflict between the two great English religious parties.

One of James's objects in his now renewed attempts to bring about the "Spanish match" for his son Charles was to induce Philip IV. of Spain to restore his son-in-law, the Palsgrave, to the Palatinate, and, had he succeeded in this, there is no doubt that the proposed match would have not been received with so much hostility in England.

⁴ According to the Catholic Calendar, Sunday, 8th November, 1620, was the twenty-second Sunday after Pentecost, and, as the Gospel for that day ends with the words "Render therefore unto Cæsar the things that are Cæsar's and unto God the things that are God's," the text was claimed as a forecast of the victory of the Emperor and the Catholic League. The forces on both sides were so nearly equal that the victory was claimed as a miracle, due to the prayers of the Carmelite, Dominic Ruzzola, reputed a Saint in his lifetime, who rode unscathed through the thick of the fight, urging on the soldiers of the League. The "corantos" of 1620 contain some anecdotes about this Carmelite.

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There then took place the most romantic episode in Charles I.'s life. Charles was only twenty-two at the commencement of 1623, when, aided by his own and his father's favourite, the Duke of Buckingham, he decided to journey incognito to Spain, in order to woo the Infanta for himself. Accordingly, Charles and Buckingham set out, on 17th February, 1623, arriving in Madrid on 7th March, where their presence caused popular rejoicings; but official consternation. After some months' stay the negotiations failed. Spain had no intention to aid the Palgrave to regain the Palatinate, and, as might have been expected, religious differences were also an insuperable obstacle. Charles and the Duke landed at Portsmouth on 5th October, 1623, to the delight of the people, now that the match had failed, and both were eager for war with Spain.

By this time overtures had been made from France for a match between Prince Charles and Louis XIII.'s sister, Henriette Marie, who was then but a child of twelve. On 27th March, 1625, James died, and Charles succeeded to the throne. The negotiations for the hand of Henriette Marie⁵ were then brought to a successful conclusion, the articles for the marriage contract being the same as those agreed upon in the case of the Infanta of Spain. Toleration of the Catholic religion was again a salient point of the terms agreed. Published in full in the "*Mercuré François*," early in 1625,⁶ these articles at once refute a calumny still aimed at King Charles, for there were no secret terms agreed among them. Many, no doubt, caused indignation in England, particularly the stipulations that the articles were to be read publicly in England and ratified "*en laquelle n'interviendra aucune ceremonie ecclesiastique*," and that the children of the marriage were to be brought up by the Queen to the age of thirteen, which, of course, meant as Catholics; but the perpetual bone of contention between Charles and his Parliaments was to be the three "articles

⁵ The Queen has invariably been termed "Henrietta Maria," in defiance of the fact that she always signed herself "Henriette Marie." The English generally termed her "Queen Mary." She received the name "Henriette" after her father, Henry IV., of Navarre, whose favourite child she was.

⁶ The "*Mercuré François*" for 1625, setting out the articles in full, is Tome X. of the series. Tome XI. for 1626 contains a full description of the wedding festivities and journey to England. The Pope is said to have sent the "golden rose" to the new Queen at Amiens on her way to England, but the "*Mercuré François*" does not mention this, so that the statement is probably a mistake by some ecclesiastical historian.



Queen Henriette Marie

(By Sir Anthony Van Dyck. By permission of the Earl of Radnor).

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particuliers," by which "all Catholics, as well ecclesiastics as lay-people, imprisoned since the last edict against them, should be set at liberty; no English Catholic in future was to be prosecuted for his religion; and, finally, all property, ecclesiastical and civil, seized since the last edict was to be restored to its owners." Perhaps these three last articles were not read in public, but that is all that there was secret about them. Few educated Englishmen of the times could have been unaware of the existence of the "*Mercure François*."

With some difficulty Louis XIII. of France prevailed upon Pope Urban VIII. (who had been Henriette Marie's godfather when he was Cardinal Barberini) to grant a dispensation for the marriage, which took place at Notre Dame, Paris, on Sunday, 11th May, 1625, the Duc de Chevreuse, kinsman of Charles I. (through Mary of Guise), acting as his proxy. There had been a dispute between the Archbishop of Paris and Cardinal de la Rochefoucault, Grand Almoner of the Court, as to who should officiate, but the Cardinal, to the Archbishop's open disgust, carried the day. Nevertheless, a gallery, eight feet high from the ground, led from the Archbishop's palace to the Cathedral, where a theatre had been erected before the main entrance, on which stage the marriage was celebrated. The whole staging was covered with violet satin, sown with golden lilies. From the theatre another gorgeously decked gallery ran along the middle of the nave of the church as far as the entrance to the quire, where High Mass was sung and *Te Deum* chanted. After the ceremony outside the church, the Duc de Chevreuse, as representing a Protestant King and, therefore, unable to assist at Mass, returned to the Archbishop's palace with the English nobles attending him, and the ceremonies of the day were concluded in the presence of the new Queen and the French Court alone. In spite of the splendour of the processions and ceremonies, this can hardly be said to have been an auspicious beginning to Charles I.'s marriage. Queen Henriette's journey to England, *viâ* Boulogne, escorted by the Duke of Buckingham, was much delayed by the intrigues of Buckingham on the way, so that she did not reach Dover until 12th June, 1625. She was then only fifteen years old, Charles, of course, being a young man of twenty-five, who was ruled entirely by Buckingham.

Child though the new Queen was, she was very beautiful. Even the Duke of Buckingham had written that she was "a lovely,

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sweet, young creature," who, though she was not tall, was "perfect in shape." Lord Kensington, afterwards to become the Earl of Holland, himself the handsomest man of the times, wrote that she danced well and sang very sweetly, and sent home glowing accounts of her beauty. Howell, when he had seen the Queen, wrote that she was of a "more lovely and lasting complexion" than the Infanta—"a dark brown with eyes that sparkle like stars." D'Ewes, too, went to see the new Queen at dinner, and in his diary he comments upon Henriette's "radiant and sparkling black eye," adding, quaintly enough, that "her deportment among her women was so sweet and humble, and her speech and looks to her other servants so mild and gracious, as I could not abstain from divers deep-fetched sighs that she wanted the knowledge of the true religion."

At first the marriage was unhappy, and, as usual in such cases, both sides were to blame to a certain extent. The Queen had brought with her over a hundred attendants—French noblemen and ladies—all Catholics, and most of them contemptuous of English customs. But what gave rise to the greatest umbrage in England was the number of her chaplains, no fewer than twenty-eight priests having been stipulated for by the marriage articles, as well as a chapel, to be built for their benefit. The Queen's confessor was Père Bérulle, the founder of the French Oratory and, later on, Cardinal; and her Grand Almoner, the Bishop of Mende, Daniel de la Motte du Plessis Houdancourt, a young man, cultured, dignified, and arrogant, who was frankly detested by the King. The most audacious suggestion of the Bishop of Mende was that at the coronation he himself should place the crown on the Queen's head in Westminster Abbey—a proposal which led to her never being crowned at all.⁷

On the other side the Queen was repeatedly insulted by the detestable Buckingham, who on one occasion was impudent enough to remind her that former Queens had lost their heads. Thus the Royal pair were consistently unhappy, and Charles treated his

⁷ This fact was the cause of the most brutal insult ever committed by Cromwell. In 1657 France had made a treaty with Cromwell, so that Henriette pressed for the payment of her dowry. Cromwell refused, on the ground that she had never been recognised as Queen of England. "This outrage does not reflect on me," said Henriette, "but on the King (Louis XIV.), my nephew, who ought not to permit a daughter of France to be treated *de concubine*. . . . These affronts are more shameful to France than to me."

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girl bride with characteristically tactless rigour, although he was really in love with her. He actually kept the Queen so short of money in 1626 that she was reduced to borrowing from her own servants.

Finally, in the same year, 1626, the crisis came, and the King, in plain violation of the marriage articles, dismissed the whole of the Queen's French attendants. "Send all the French away to-morrow out of town," wrote the King to Buckingham on 7th August, . . . "stick not long in disputing—otherwise force them away, driving them away like so many wild beasts until ye have shipped them, and so the devil go with them." The Queen's tears and prayers were useless; the King forcibly prevented her from bidding her friends good-bye. The whole episode is a painful one to read, and it was accompanied by a number of lying slanders of the Queen and her priests, coined by the Puritans of the times. The priests were said to have inflicted ridiculous penances upon the Queen, and upon the previous St. James's Day (1st May) to have made her walk bare-foot from her house at St. James's to Tyburn, "her luciferian confessor [Bérulle] riding along by her in his coach." At Tyburn they asserted that she was compelled to offer prayers for the intercession of the victims of the penal laws who had been executed there. John Pory, one of the most highly educated of the "intelligencers" of the day, actually repeated these falsehoods in a letter to the Rev. Joseph Mead at Cambridge,⁸ and wound up by saying, "if they dare thus insult over the daughter, sister, and wife of so great Kings, what slavery would not they make us, the people, to undergo?"

There are other versions of the story, but when Marshal Bassompierre was sent over by Louis XIII. to protest, he wholly denied the tale at the Queen's request, accused the Council of deliberately circulating a lie, in order to prejudice the King against the Queen and her religion, and wound up by the peremptory challenge, "In conclusion, I deny formally that this action was ever committed, and, moreover, I offer, whenever I

⁸ The letter is a scandalous one in every respect, and is set out in Birch's "Court and Times of Charles I.," i., pp. 119-123. As the letter is dated 1st July, 1626, the episode has been referred to July, 1626. But the Feast of SS. Philip and James falls on 1st May. Generally I have relied upon Miss Henrietta Haynes' "Henrietta Maria" (1922) for my biography of the Queen. This is a work of great research, and supersedes all the older biographies.

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am required, to prove that it would have been a good action to do.”⁹

War with France for this and other reasons followed, Buckingham went with a great expedition to the Isle of Ré to relieve the Protestants of Rochelle, and was defeated in a series of disasters which culminated in his impeachment by the House of Commons and death at the hands of the assassin Felton in 1628. Henceforward Charles I. and his Queen were a devoted and a happy couple. Twelve years of unalloyed happiness followed, before the coming of the storm which culminated in the first Civil War in 1642.

Omens.

There were a number of omens or coincidences throughout the reign of Charles I. The age was a superstitious one; belief in astrology—that science of being wise after the event—was almost universal, and any one who set up to be a prophet obtained an amount of attention not vouchsafed to such persons by the public in later days. Few of the older chroniclers omit to tell their readers that at his coronation, which took place upon Candlemas Day, 1626, the King was dressed in white, the colour of innocency, in lieu of the Royal purple worn by his predecessors, or that the text of the preacher, Dr. Senhouse, Bishop of Carlisle, was “I will give thee a crown of life.” The most prominent astrologer of the times, William Lilly, pointed out that the King’s white robes at his coronation identified him with the “White King” of Merlin, and so great was the success of Lilly’s pamphlets on this subject that his tale is worth narrating.

Merlin, the legendary enchanter of Wales, Brittany, and other countries, whose dim and distant figure is not wholly mythical, was best known through a number of rambling prophecies, translated into Latin by Geoffrey of Monmouth in the twelfth century. These deal chiefly with the Kings of England to come and their fate, and by common consent one of them referred to Charles I. as the “White and Noble King.” A month after the battle of Marston Moor had been lost by Charles I. (2nd July, 1644) Lilly first published this prophecy with comments of his own, and says that in three days eighteen hundred copies were sold, so that it was often reprinted. Lilly gave several versions of the prophecy, both

⁹ Bassompierre’s *Memoirs* (ed. Croker), p. 147.

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in Latin and English, in his pamphlet.¹ And there were some coincidences in the prophecy which appealed very much to the Puritan mind.

But a really striking story is told of the painting by Van Dyck of Charles I. (see frontispiece) now at Windsor Castle, after many adventures on the Continent. Francesco Barberini, nephew of the Pope and Cardinal Protector of England, was eager to show Charles I. attentions likely to be acceptable to a monarch who was one of the best judges of art in Europe, and not only sent over a

¹ The following is the most plausible version of the prophecy:—

"The Lion of Righteousness (James I.) being dead, there shall arise a white and noble King in Britain; first of all flying, after that riding on horseback, some time after that departing or descending, and in that his discesse or departure he shall be limed or snared. Moreover, it shall be reported, and pointed as it were with the finger, 'Yonder is the White and Noble King.'

"There shall be a great multitude of his people and of his ships be assembled together and this company shall be taken for him, and then there will be chopping and changing, as if men were dealing for Horse and Ox.

"Men shall labour for emendation of the times, but none will be; unless one head for another; some shall then go toward the sun rising and others toward the sun setting.

"After these things it will be noised all over Britain 'There is a King? Nay, there's no King.'

"After these things he shall lift up his head and shall signify that he is King by his many commissions or actions, etc., but yet no reparation made.

"After these actions done, it shall be a time of gleads or kites, and whatsoever any man snatches away he will keep it for his own.

"See what pilling and polling, what shedding of blood here is. Ovens are held in as much esteem as many churches.

"What one man sows another reaps, the prolonging of a miserable life prevails, a few men are left in whom any sound charity abides.

"What any man is master of overnight shall be taken away in the morning.

"After the chicken of the Eagle will come upon wooden horses from the South, sailing into Britain upon a rousing high spring tide. And then making speed to the high house of the Eagle, thirsting, he presently thirsts after another. Mercury shall then be in no esteem, but every man takes care how to preserve his own and get away goods from others.

"Afterwards the White and Noble King shall go towards the West, environed or guarded with a great company to an ancient seat near a running river (Oxford).

"His enemies shall then meet him from all parts and shall order the battle against him.

"The Armies of his enemies shall present their battle in the form of a buckler.

"At that time he shall be assaulted before and behind, or on all sides, and then the White and Noble King shall die.

"Afterwards the chicken of the Eagle shall build his nest in the highest rock of all Britain, but shall neither live till he is old nor die young.

"When this chicken of the Eagle having pacified the kingdom is dead, the nobility and gentry shall suffer no injury to be done to any man."

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number of statues, but also paintings by Leonardo, Correggio, and the still living Guido Reni. Finally, the Cardinal induced the great sculptor Bernini to carve the bust of Charles I. Van Dyck was thereupon commissioned to paint the three heads on one canvas—full face, three-quarter face, and profile—to be sent to Bernini, to guide him in executing the bust of the King. Bernini was “unaccountably dilatory in his work,” relates Carte, in his life of Ormond, “the Cardinal complaining of the slowness with which he advanced, pressing him to finish, and wondering how he could be so tedious in making the bust of so great a Prince: the other said he had set about it several times, but there was something so unfortunate in the features of the face that he was shocked every time that he examined it and forced to leave off his work; and that, if there were any stress to be laid upon physiognomy, he was sure that the person whom the picture represented was destined to a violent end. The bust was at last finished and sent to England. As soon as the ship which brought it arrived in the river, the King, who had an excellent taste in these polite arts, and was very impatient till he saw the piece, ordered it to be carried immediately to his house at Chelsea. It was brought thither and placed upon a table in the garden, whither the King went with a train of nobility about him to take a view of the bust. As they were viewing it a hawk flew over their heads with a partridge in his claws, which he had wounded to death. Some of the partridge’s blood fell upon the neck of the statue, where it always remained without being wiped off, and was seen by hundreds of people, as long as the bust was in being. It was put up over the door of the King’s closet at Whitehall, and continued there till it was burnt in the fire [1698] which consumed that palace about forty years ago.”

The political side of the struggle between Charles I. and his Parliaments has been often told from all points of view, and it does not enter into the scope of the present book to discuss it. But it may be pointed out that a struggle between Parliament and the King—between the Divine right of Kings, or absolutism, in one form or another, and representative government (as it was then understood)—was bound to come and, indeed, was long overdue. Parliament then, as now, consisted of three estates, the King, the Lords, and the Commons, and the number of Peers was not great; Walkley’s catalogue of them, printed in 1642, proves that, apart from the three Royal Dukes (sons of the King),

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and the King's cousin, the Duke of Richmond (Duke of Lennox in Scotland), there were but one Duke (Buckingham), two Marquesses (Winchester and Hertford), sixty Earls and one Countess, six Viscounts, and 62 Barons. The House of Lords, therefore, contained only 131 members, and of these the majority adhered to the King from the start of the war. As the war proceeded the number of Peers, partisans of the Long Parliament, dwindled still more. About a dozen were left in 1648, and of these four only—Lords Pembroke, Denbigh, Salisbury, and Mongrave—usually sat and formed a House towards the end of that year. As for the House of Commons, the complement of its membership was 508, but expulsions, impeachments, deaths, &c., had by 1648 reduced that House too, though not to the same extent.

Five Parliaments were summoned during the reign of Charles I. The first of these met on 17th May, 1625, and was dissolved by the King on 12th August of the same year. The second was summoned for 6th February, 1626, and was dissolved on 15th June of that year, and the third met on 17th March, 1628, and was dissolved on 10th March, 1629. For the next eleven years the King ruled without a Parliament. On 13th April, 1640, the last Parliament but one of his reign assembled at Westminster, and it was evident at once that the stage was set for civil war, for the King dissolved it on the following 5th May. On 3rd November, 1640, the Long Parliament met—with the result that on 12th May, 1641, Strafford was sent to his death by this Parliament. In consenting to his judicial murder, Charles I. committed the one act of his life most bitterly regretted by him, and he did it against the advice of good Bishop Juxon and Archbishop Usher. We shall see how he referred to this act of injustice when his own time came to die. On the same day that the King signed Strafford's death warrant he signed also a fatal concession to the Long Parliament. He gave his assent to a Bill providing that it should not be dissolved without its own consent. From that day his power was really at an end. The House of Commons ruled in his stead and civil war was inevitable.

It was soon to become clear that the House of Commons was bent upon making Calvinism the religion of England as it was that of Scotland. Not only did it at once commence to stamp out the school of Anglicanism associated chiefly nowadays with the name of Archbishop Laud, but on 24th February, 1641, it impeached the Archbishop, who, however, was not beheaded until

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10th January, 1645, and then in spite of a pardon from the King, which the Lords were inclined to accept, but which the Commons refused to consider. The intentions of the Parliaments of both England and Scotland were made clear in 1643, when the "Solemn League and Covenant"² was imposed upon a nation that, unlike the Scots, did not really understand all that Calvinistic Presbyterianism implied, or that, by giving up themselves to its yoke, they were really exchanging the tyranny of one State Church for another. "New Presbyter was but old priest writ large."

"To your tents, O Israel."

One last scene before the war began deserves a more minute description than it has yet received. Charles, after his customary vacillations, had made up his mind to seize five members of the House of Commons and one member of the House of Lords³ whom he knew to have been in communication with the Scots, and whom on this ground he intended to impeach for high treason. The King had arranged the plan overnight with the Queen and her special friend, George Digby, son of the Earl of Bristol. For, good and innocent in every way as the Queen was, it had become known that the Commons intended to impeach her, really for no better reason than that she was a Papist. In the morning the King quailed before the task he had undertaken; not so the daughter of Henry of Navarre. "Go, poltroon, pull the ears of these rogues, or never see me again," cried she, with a touch of the scorn with which she often opposed his scruples. The King took her in his arms, assured her that in an hour's time he would come back master of his foes, and so the Queen waited for his return in the highest spirits, thinking that by this brilliant coup her troubles would be ended. Then she made a fatal mistake. The Countess of Carlisle⁴ came into the room and was greeted

² Set out in Appendix F. Historians never give their readers the benefit of seeing this document, therefore the clause binding the Covenanters to protect the King's person may be commended to the reader's notice.

³ Pym, Hampden, Hesilrige, Holles, and Strode, and Lord Kimbolton.

⁴ Lucy Hay, second daughter of Henry Percy, ninth Earl of Northumberland. She had previously been a friend of Strafford, but says Sir Philip Warwick, she now "changed her gallant from Strafford to Pym, and was become such a she-saint that she frequented all their sermons and took notes."

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by the Queen with the words, “Rejoice, for now I hope the King is master in his kingdom.” On hearing the names of the intended prisoners, Lady Carlisle treacherously left the room, and wrote a note to Pym, who was one of them. The result was that when the King, who had been delayed, entered the House of Commons to arrest the five members, he found that, to use his own words, “the birds had flown.” When the Queen discovered Lady Carlisle’s treachery, she bitterly reproached herself and told the King, who freely forgave her.

On the next day after this, the 5th January, 1642, King Charles visited the city, in order to dine with one of the Sheriffs, Sir George Garrett. The Lord Mayor, as in duty bound, greeted His Majesty at Temple Bar and joined the party at the Sheriff’s house, to the disgust of the people who, for the first time on record, had welcomed their King with sullen faces and in silence. Later on, at the end of that gloomy winter day, when the King drove back in his coach to Whitehall, the discontent of the people broke out into open rioting. No sooner had the King left the Sheriff’s than the mob assaulted the Lord Mayor. “The citizens’ wives fell upon the Lord Mayor and pulled his chain from his neck,” wrote John Dillingham, a journalist of the times, “and called him traitor to the city and to the liberties of it, and had like to have torn both him and the Recorder in pieces.”⁵ All the way along Cheapside, until he had arrived at St. Paul’s Churchyard, the King’s coach was pursued by the mob shouting out, “Privilege,” “Privilege of Parliament,” and in the churchyard itself there was an even greater noise and disturbance. There then took place an incident which has attracted the attention of all historians.⁶ One man in the crowd, whose personal appearance was most unprepossessing, for we are told that he had red hair and a round, yellow face, seized the opportunity to throw into the King’s coach and into the King’s face a pamphlet of which the title was, “To your tents, O Israel.” It was afterwards

⁵ Letter dated 7th January, 1642, to Edward Lord Montagu of Boughton, in the Calendar of Lord Montague of Beaulieu’s MSS., p. 141.

⁶ See any of the older writers, particularly “Lambert Wood,” “Life and reign of King Charles” (1658). Lambert van den Bos, or Bosch, was a writer whose “*Florus Anglicus*” ran through many editions in England, in the seventeenth century. He was a Dutch historian and poet, born at Dordrecht in 1610, and was rector of the Latin school there. A complete list of his works is given in A. J. van der Aa’s “*Biographisch Woordenboek der Nederlanden*.”

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proved that this man, whose name was Henry Walker, had sat up with his printer during the whole of the previous night writing this pamphlet, handing the sheets of copy to the man to be set up in type as fast as he finished them. No copy of this tract has yet been brought to light, but the allusion to Rehoboam in its title renders it certain that it was of a most inflammatory nature. It is stated to have amounted to an exhortation to the people to rise in arms against the King.

When the King arrived at Whitehall the pamphlet was read, the Lord Chief Justice was sent for, and a warrant for Walker's arrest was then issued. He was soon found, and was committed by the Chief Justice to the King's Bench prison in Southwark, there to await his trial at the forthcoming London sessions. After this incident London was no place for King Charles, who departed for Hampton Court on 9th January, never to return until he entered it as a prisoner, on his way to his so-called trial.

In July the London Sessions took place. Thrice taken across the river to be tried, Walker, whose original indictment was for high treason, was twice rescued by a London mob, on one occasion causing another riot at St. Mary Magdalen's, Bermondsey, by preaching a violent sermon in it before he was recaptured. The King, who had heard of all this, however, did a graceful and clement act by writing to his Parliament to save Walker from the death penalty, so that when he was at last tried at the Old Bailey, on 12th July, 1642, the charge against him had been reduced to one of simple misdemeanour. Walker, then, in open Court, retracted all he had written, "with tears," and was only sentenced to stand in the pillory in Cheapside.

This was the dramatic entry upon the stage of English history of one who, later on, became the leading journalist of his times. Henry Walker had no peer as a collector of news during the years 1647-1655, for he knew exactly what the public needed, and became the most popular writer of those days. A comparison with Marchamont Nedham, Cromwell's other journalist, instantly suggests itself by this assertion, but the comparison does not really arise, for Nedham excelled as a pamphleteer pure and simple, and a writer of leading articles—one who knew exactly how to put a telling point in the most forcible manner; whilst Walker's efforts in this direction were ludicrous in the extreme. The result of this has

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been that, whilst Nedham's work has never been lost sight of, Walker's literary output, which was infinitely larger than that of Nedham, running to upwards of 600 “newsbooks” and other tracts, has been quite forgotten. Some of Walker's tracts are still unidentified, and the name of their writer has been buried in oblivion.

Walker was not unknown to the London public in the year 1642, for his career had already been somewhat out of the common. He had commenced life as an apprentice to an ironmonger in Newgate Market, one Holland; hence his nickname of “Walker, the ironmonger.” Then, in 1639, he was for a brief period at Queens' College, Cambridge, and was ordained deacon by Bishop Williams of Lincoln. Suspension for his fanatical teaching and practices followed his ordination, and then, in 1641, he came into conflict with each House of Parliament in turn for writing scurrilous libels in the names of their members; one of which, entitled “A Terrible Outcry against the Loytering Exalted Prelates,” professed to have been written by Prynne, and is still in existence. Each House in turn sent him to prison for these literary frauds. A scurrilous pamphlet war with John Taylor, the celebrated waterman, or as he preferred to call himself, “water poet,” followed, of which it can only be said that, whilst both writers excelled in coarse personal abuse, the tracts of the “literary bargee” alone were redeemed by their humour. Some of them have, in our times, been found worthy of inclusion in the reprint of Taylor's works, published by the Spenser Society.

Immediately after his trial in 1642 Walker published his “Modest Vindication,” written in a totally different tone and style from his earlier tracts. “Who doth not know the lustre of the throne to be so glorious in his Majesties pious reigne,” wrote he, “that all the princes of the world are but shadows of his splendour. O Royal Sovereign, how art thou worthy to be honoured, worthy to be loved, worthy to be desired of all that come unto thee!” He himself, he added, was neither a Papist, Brownist, nor sectary of any kind; but he could not forbear from denouncing Taylor for the burlesque sermon on “Tobies dog's taylor” he had published in his (Walker's) name.

The dedicatory epistle to all this, addressed “to God, the King and the People,” was in verse, and deserves recording, if only to bring into relief the matchless hypocrisy of this man, who,

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as we shall see later on, was the bitterest enemy King Charles ever had. To the King, Walker sang :

And thou, my sovereign, Charles, all Europ's splendour
Thine enemies terrour and true faiths defender,
Thy love preserved my life, not heathenish fate.
In thy Majestick face, true princely state,
When malice plotted mischief, everie heart,
Thy clemency prevented all their power
That God which graced thee with a Royall Crowne
Crown thee with grace, thy Honours with renown.

All you poor soules whose eares have been abused
With scandalous reports and eyes traduced
With charms of turbulent spirits, now take and view
This declaration, honest, plain and true.

Per Henry Walker, Cantab.

After this Walker vanished from the public view for nearly five years, taking service in the Parliamentary Army against the King. He was one of those who broke into the King's cabinet and ransacked his papers after Naseby; but it was only after the first Civil War had ended that he again became prominent, in January, 1647.

But before I draw attention to the still more extraordinary story of Walker's literary activities in 1648, it is necessary to say something about two of Walker's competitors, John Dillingham, one of whose newsletters I have already quoted, and Gilbert Mabbot, who was also a licenser of the press. Dillingham should be *clarum et venerabile nomen* in the Fleet Street of our own days, for not only does he link up the journalism of old times with that of the present day, by the fact that his home was in Fleet Street, but also he has a greater claim to remembrance by his leading articles, of which permanent feature of all good newspapers he was the pioneer. John Dillingham was only a tailor, who carried on business in Bolt-in-Tun Yard, on the south side of Fleet Street, or Whitefriars, and there is no literary excellence to be attributed to his considered comment on the news of his times; but he had the courage of his convictions in days when it was dangerous for a man to think for himself. And for this reason Dillingham was imprisoned by the House of Lords in 1645. The first number of Dillingham's "Parliament Scout" appeared on 27th June, 1643, and, like all the other licensed journals of the first Civil War, was Presbyterian in tone. But Dillingham was not orthodox, and was in favour of toleration. So the House of Lords imprisoned him, in January, 1645, for a leading article in which he pleaded

“To your tents, O Israel.”

for an “alterable” form of church government in lieu of strict Presbyterianism, and suppressed the “Parliament Scout” altogether. By some means Dillingham made his peace with the Lords, and after his release was permitted to resume his journalism with another newsbook, to which he gave the deprecatory title of “The Moderate Intelligencer” (what would the House of Lords of 1645 have thought of the “immoderate” intelligencers of our own times?). Dillingham, nevertheless, was certainly “moderate” for a year or two, but when the first war had ended and the Parliamentary Army commenced to dictate to its masters in Parliament, he again began to express his opinions in no uncertain tones. For this reason “The Moderate Intelligencer” is a newsbook worthy of the closest attention at the time of the King’s trial.

Gilbert Mabbot, however, possessed a character for which it is not possible to feel much sympathy. The son of a Nottingham cobbler, Mabbot had been fortunate enough to obtain a clerkship with the celebrated John Rushworth, secretary to the Army and author of the “Historical Collections.” These were based largely upon the newsbooks of the Civil Wars, for Rushworth was licenser of the press up to the year 1646, resuming that office once more at the end of 1649. Mabbot’s abandonment of his awl and last in his father’s workshop soon brought fortune to him, for Rushworth first appointed him deputy licenser to himself, and then, when he resigned his office in 1646, procured Mabbot’s appointment to be licenser in his stead. The party in the Army with which Mabbot identified himself at the close of 1647 was that of the Levellers, who wished to abolish not only the throne and the Lords, but also to establish in their place a purely democratic Government, legislative, judicial, and executive in its powers, something that went far beyond Republicanism. We shall find Dillingham and Mabbot in conflict in 1648.

The King a Captive.

In 1646 the first Civil War was over. The King’s cause had really ended in the defeat at Naseby on 14th June, 1645, where the King’s forces numbered not more than 7500 men, whilst the Army (chiefly under Fairfax and Cromwell) numbered nearly 18,000. Parliament in the meantime had shown its hatred of the Queen’s religion by executing twenty priests between the years

King Charles I.

1641 and 1646, though from 1618 to 1641 no priest had suffered by Royal orders.⁷ A number had been condemned, but had been banished. Charles I. had, somewhat fitfully, it is true, carried out his marriage articles, and as a rule remitted the fines of his Catholic subjects. When these had been exacted, always for military needs, he had been contented with taking one-third of their possessions in lieu of the legal two-thirds. Catholics to a man, therefore, had rallied to the King, for he was their only hope. Dodd, the Roman Catholic church historian, estimated that out of over 500 noblemen and officers slain on the King's side, nearly two hundred were of that faith. Thus the King's Army throughout the war had been continuously described as "the Popish Army," and dreadful forecasts had been made about what it would do if it were victorious. All this campaign of abuse was now ended. Citizens of London and country folk alike were heartily tired of the war. Trade was suffering and exactions were resorted to for the support of an Army which would not disband and which was becoming cordially disliked, not only for the taxation and forced loans raised on its behalf, but also for the horde of sectaries, haters of Presbyterianism, to be found in its ranks. Above all, the people in general wished to see the King restored to the throne and the Court renewed in all its splendour at Whitehall. Let him take the Covenant, and all would be well. But it was just precisely this that the King would not do. To this one point he stood firm to the last day of his life. Presbyterianism was the religion of the Scots, who could hardly be said to be divided on the subject, and to the establishment of Presbyterianism in Scotland he had consented. But the creed of Calvin was only that of a bare majority of Englishmen, and of Presbyterian discipline that majority knew little, and were now proving that they cared less. They would not accept it, in spite of the efforts of Parliament to force it upon them. So the King came forward with a characteristic compromise. He would consent to Presbyterianism being established in England for three years, after

⁷ Father Arrowsmith was executed at Lancaster on 28th August, 1628. But this execution was due to the malice of Sir Henry Yelverton, the judge who tried and sentenced him to death on 26th August, waiting to see that the priest was executed before notice could be given to the King. Richard Hurst, a Catholic farmer, also executed by the judge's orders on 29th August, was a victim of a clear case of judicial murder. Under the name of "Gutterich," Father Arrowsmith's trial and execution are mentioned in a letter printed in Birch's "Court and Times of Charles I.," i., p. 397.



Cromwell's lodgings in King Street, Westminster, in 1648 and 1649
(The "Fountain," tenanted by Henry Walker. From an engraving in Smith's
"Antiquities of London," 1791).

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which (apparently when the nation had tired of its intolerance) a national synod was to decide the matter. After a last effort made on 22nd December, 1646, to induce the King to promise that he would establish Presbyterianism when once he was restored to his throne, the Scots decided to give him up to the English upon payment of £400,000 of the money due to them. The King had stood firm in spite of the exhortations of the Queen (from whom he had been separated in 1644), who could see but little difference between one form of Protestantism and another, and also of the French Ambassador, Bellièvre. It is often said that Charles I. was brought to the block by his own shifty diplomacy, but a truer view is that he died for his refusal to consent to the Covenant.⁸ This was now to be the bane of the nation in the struggle between the Presbyterian party and the congeries of sects now known under the name of Independents. Many writers also have asserted that there was no real plot against the King's life until the last months of 1648. A little consideration of the career of Henry Walker, and of the literature published by the Independent leaders through him, will refute this opinion.

Late in the year 1646 Walker commenced journalism, probably under the ægis of John Saltmarsh, the Independent divine, who was writing a newsbook entitled "Perfect Occurrences." At the commencement of the year 1647 Saltmarsh resigned the control of this journal to Walker, and the periodical at once began to assume great importance as the organ of the Army.⁹ Walker signed his name to this newsbook, but in a manner so curious that it has baffled bibliographers. He invented one of the best anagrams on record, by splitting the "w" in his surname into its two component "u's," and thus converted Henry Walker into "Luke Harruney." No such surname has ever been known, of course, but at first sight the two names are so plausible that they must have served his purpose of masking the fact that he was the man who was pilloried in 1642. Later on, in 1648, however, he was

⁸ Gladstone, Newman, Keble, Creighton, and many historians all agree that Charles died for the Church of England. The King himself said, "I am the martyr of the people," and it can hardly be said that liberty was assured either by the terrorism of the Rump or by the tyranny of Cromwell. Even Robert Louis Stevenson can be cited in favour of the King.

⁹ No. 1 for 1647 was headed "Perfect Occurrences of Every Dayes journall in Parliament, and other Moderate Intelligence . . . From Fryday, Januarie the 1 to Fryday, Januarie the 8 1647. Collected by Lu. Harruney cleric" [i.e., clerk, or scrivener. Walker was neither.]

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no longer able to hide his identity, for he was being denounced right and left by the numerous Royalist "Mercuries" that sprang into life at the end of 1647. From his "Perfect Occurrences," therefore, the bulk of the following facts has been taken:—

The two Houses of Parliament voted that the King should be taken to Holdenby House, his own property six and a half miles to the north-west of Northampton, there to remain until the conclusion of a treaty of peace between themselves and the King. The Commissioners sent to receive the King from the Scots at Newcastle were Basil Fielding, Earl of Denbigh, Philip Herbert, fourth Earl of Pembroke, and Lord Edward Montague of Boughton. Pembroke, apart from his high rank and immense possessions, was a thoroughly detestable person, unfit to be received in any society owing to his habit of interlarding his remarks with oaths and to his vicious private life. He was at this time living with the wife of Thomas May, the historian of the Long Parliament.¹ On 26th January, 1647, these noblemen presented themselves to the King. "My lords, ye are welcome," said the King to them. "I pity the long journey you have taken to come hither and receive your coming cheerfully. I have something to propound unto you two or three days hence (and) I will declare my pleasure and express my desires and time of setting out for the South." Walker maliciously added that, "It is said that the King, treating with the Scots, should tell them that His Majesty had rather trust those that bought him than those that sold him. But from whom that letter comes I do not know, nor have I seen it." From the moment he had received the Commissioners the King took decisive steps with regard to the two chaplains they had brought with them, in order to convert him and induce him to take the Covenant. These chaplains were Stephen Marshall, considered by the Scots to be the best preacher in England, and Joseph Caryl, an Independent who, nevertheless, adhered to the Covenant. Caryl was pastor of St. Magnus, London Bridge, but Marshall never held any London benefice. It is in Marshall that the interest of the situation lies, for he was noted for the blood-thirsty nature of his sermons against the Royalists, and now took the lead in the chaplains' remonstrances with the King about his refusal to hear them.

¹ Herbert, in his "Memoirs," constantly has a good deal to say in praise of his kinsman, but no word to his detriment, so it is well that these facts should be recorded.

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In his "Perfect Occurrences" for 5th-12th February, Walker wrote: "By letters from Mr. Marshall and Mr. Caril (sic) to the Assembly [of Divines] a Fast is desired, because the King will not hear them preach. I have collected some particulars out of divers letters. Mr. Marshall and Mr. Carill being privately with the King about their preaching, his Majesty told them plainly he would not hear them. They said they hoped his Majesty might as well hear them as the Scots ministers. His Majesty said, 'No,' the Government was settled there but not here. The ministers told his Majesty that Mr. Keme was an English minister. His Majesty replied that it was in a Scots ministers turn. They prayed his Majesty to hear them as well as the other. His Majesty said they were settled in their way before these times. They prayed his Majesty to condescend the like to us. His Majesty replied that now presently to condescend to it were to own what he hath withstood without satisfaction to his conscience. His Majestie said they might say grace. On the last Lords day before his Majestie came from Newcastle, his Majestie was desired by the Commissioners to give them leave to pray and hear a sermon. His Majestie said, Yea, but not in that place. Nevertheless, his Majesties cushion was laid (as formerly) but his Majesty came not. But after came to dinner. . . . The Assembly of Divines appointed the Tuesday following to be a day of Humiliation for the King."

This permission to say grace, however, was soon revoked, on account of Marshall's attempt to convert this liberty into a licence to indulge in lengthy extempore prayers. "Whilst he was forming his chaps, as his manner was," writes his anonymous biographer, "his Majesty said grace for himself" (probably the curt "*Benedictus Benedicat*," still in use at Oxford) "and was fallen to his meat and had eaten up some part of his dinner before his chaplain had ended blessing the creature, the King then checking him and saying that he intended not to stay until his meat was cold, whilst he stood whistling for the Spirit."

On Wednesday, 3rd February, 1647, the King set out from Newcastle upon what was to prove a Royal progress to the south. Three led horses preceded him, together with his equerries, Sir Robert Pye and Colonel Titus, both of whom were bareheaded. Then came the King, with a military truncheon in his hand, and after him the Commissioners, followed by the rest of the train. There was a guard of two regiments of horse, one on either side,

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acting as convoy, Colonel Graves being in command. That night was spent at Durham, the next night being passed at Bishop Auckland, and the night of Friday, the 5th, at Richmond, Yorkshire.

On Saturday, 6th February, the two Houses hearing, no doubt, of the magnificent reception given to the King by the crowds thronging the highways to see him pass, and angered by his peremptory refusal to allow Marshall and Caryll to preach before him, took steps to perpetrate some sacrilegious outrages that they well knew would wound the King's artistic as well as his religious feelings. The House of Commons ordered the Communion plate that formerly stood upon the altar and in the vestry of Whitehall Chapel to be melted down and made into a dinner service for the King.² There was no excuse for this, nor for the acts of vandalism perpetrated at the same time by order of the House of Lords at Oxford. Among the treasures preserved at Magdalen College were the mitre and pastoral staff of Bishop Waynflete, the founder, and at Corpus Christi the pastoral staff of Bishop Fox, as well as a number of copes. These were now ordered to be brought up to London, together with pictures and copes from other colleges, and all were either sold or destroyed.³ Nothing can compensate for the loss of works of ancient art of this kind.

Upon Sunday, the 7th, the King remained at Ripon, still refusing to allow the ministers to preach or conduct service, saying that "he could not join in saying Amen to such praying as is against his conscience." On Monday, the 8th, Leeds was reached. Here there were thousands of people crying out "A King! A King!" "which gave offence," wrote Walker, meaning offence to the soldiers. On the 9th the King slept at Wakefield, arriving at Rotherham on the 10th and Nottingham on the 11th February. On his way to Nottingham Fairfax came to pay his respects to

² "Perfect Diurnall" for 1st-8th February, 1647. A list of the plate is given in Peck's "*Desiderata Curiosa*," ii., 373. It consisted of "a pair of great candlesticks, one gilt ship, two gilt vases, two gilt layres [ewers], a square bason and fountain and a silver rod." No cross or crucifix is ever mentioned in these inventories.

³ "Perfect Occurrences" for 12th-19th February and for 19th-26th February, 1647. According to the Lords Journals twelve copes were also taken from Trinity College. The sole relic of the kind that has remained is the pastoral staff of William of Wykeham, still standing in its old niche near the altar at New College. Tradition asserts that the warden of New College saved this by burying it until the Restoration.

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the King. At his approach the King stopped his horse, and Fairfax dismounted and kissed the King's hand in silence. The King "looked very earnestly" at the officers accompanying Fairfax, but said no word to them. He afterwards told one of the Commissioners that Fairfax "was a man of honour, that he hath been faithful to his trust and kept his word with him (meaning that he observed all the articles made with his party). The King lay at the Earl of Clare's house at Nottingham." Leaving Nottingham at seven in the morning of the 12th, and accompanied by Fairfax for the first two miles of his journey, the King arrived at Leicester on Saturday, the 13th, dining at Loughborough on his way thither. At Leicester the King stayed at the Angel Inn until Monday. "A sermon was preached there, but his Majesty came not to heare, because no service." On Monday, the 15th, the King set forth towards Holdenby, "but upon notice the hangings, beds, and other necessities could not be compleat until the next day, his Maj. went no further than Harborow [Market Harborough] and lay at the Crown that night, from whence his Maj. intended to go on Tuesday [the 16th] to Holmby. The 2 regiments of horse (which are the convoy) quarter at a distance; but Col. Graves watches in person. The country comes to see his Majestie passe, but not in such multitudes as at Leedes, where they stood in the high way two miles together. There is ringing of bells and rejoycing in every town where his Majesty comes."

Northampton had been strongly in favour of the Parliament during the war, yet the town could not contain its joy at the approach of the King. The guns in the ancient castle, the scene of the trial of Thomas à Becket, were fired, the church bells rang, and the inhabitants and hundreds of gentlemen of the country poured forth on the road past Dallington and Harlesden to greet their King, crying out "God bless your Majesty." "The King, smiling upon them, passed along, cheerfully saying he hoped this journey would prove a prosperous voyage both to him and his posterity."

Holdenby, then, as now, termed "Holmby" in local parlance, contained the largest country house in England, built by John of Padua for Queen Elizabeth's Chancellor, Sir Christopher Hatton. This great house was purchased by James I. in 1607 for a summer residence for himself and his Queen; but nothing now remains of it or of its three quadrangles but two gateways bear-

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ing the date 1583. The country round is beautiful, and Holmby House itself was celebrated at the time for one of those famous "herb gardens" of the seventeenth century. Walker's correspondent at Holmby remarked of this that there was a dial of herbs in the middle of the garden. His Majesties arms at one end, and the arms of Sir Christopher Hatton at the other end, all worked out in herbs. One day the King noticed an old man, an intruder into this garden, and ordered him to be turned out. He remembered him well at Oxford, he said, where he had prophesied victories to his Army, which in the end proved to be false.

The day after his arrival the King despatched Thomas Herbert to the Parliament asking for the attendance of two chaplains out of twelve divines named by him (among whom were Dr. Juxon, Bishop of London, and Dr. Duppa, Bishop of Salisbury), none of whom had taken the Covenant. The Houses churlishly refused this very reasonable request, so that there was no divine service at Holmby. Nevertheless, the customary State usages were performed. Pages were in attendance with other Court officials; the Commissioners waited behind the King's chair at dinner, and, though there was no music, trumpets sounded for meals. But the Commissioners wearied of their thankless office, after the King's refusals to hear their chaplains or to take the Covenant, and wrote to Parliament desiring leave to return. This permission also was not granted, so that time hung heavily on every one's hands until the spring, for there was no hunting in the district, no tennis court in the building, and the King could indulge in none of the games or field sports in which he delighted. In April, when the turf was in order, some relief presented itself in the shape of bowls. Every Tuesday, Thursday, and Saturday the King, Walker states, went after dinner to play bowls at Bouton [Boughton], though Herbert says that he went to Althorp. Either village is possible, but Althorp being the nearest, two miles on the road to Northampton from Holmby, is most probable, for Boughton village is four miles from Holmby and about the same distance due north from Northampton.⁴

The Houses had prohibited the delivery of letters to the King,

⁴ Possibly Walker was misled into thinking that Boughton would be the place owing to Lord Montague's title "of Boughton." But his seat, Boughton House, is in the village of Weekly, fifteen miles away as the crow flies, and there was no great house in Boughton village. The two must not be confounded.

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so that it was on one of those expeditions to play bowls that Major Bosville, a former officer in Lord Cleveland's regiment, succeeded in delivering a packet of them to the King. Bosville "disguised himself as a countryman and was fishing in a river when his Maj. (with the Commissioners) walking, passed over a narrow bridge. He put a packet of letters into his Maj. hands. The Commissioners apprehended him; he confesseth they came from France." Bosville's examination was sent up to the Commons, but the Commissioners did not dare take the letters from the King. Among these letters was one from the Queen informing the King of the death of the Prince of Orange. It was later on found out that a servant of Lady Cave had attempted to bring another letter from the Queen to the King, so that Lady Cave was imprisoned in the castle at Northampton. Walker commented on this, "Those that carried her away were stricken into blushes by her beauty, boldness, and carriage. But the letter was found very obscure." Evidently, therefore, the King did not see this last letter.

At last, on 20th May, the House of Lords voted their consent to the King's proposal to come to Oatlands, nearer to London. Then the deadlock was ended, for the Army intervened.

Abduction of the King.

At a meeting held at Cromwell's lodgings in Drury Lane on 31st May, Cornet Joyce, who had been a tailor, was instructed to carry away the King from Holmby. For this purpose he was placed at the head of 500 horse, drawn from several regiments, and was instructed to go to Oxford first to secure the stores and money there. The plan was a secret one, carried out without the knowledge of Fairfax, who would undoubtedly have forbidden it. Fairfax was probably told that Joyce was merely going to Oxford.

On 2nd June word was brought to Colonel Graves at Holmby of a party of horse "rendezvousing" on Harleston Heath (now Harlesdon Firs, about two miles from Holmby), "with an intention to surprise the place." This was at ten at night. Graves doubled the guards, but after taking advice, thought it best to absent himself, for his garrison consisted only of about 50 men. "They caused it to be divulged that he was gone, hoping thereby to divert the Horse. About one of the clock, they drew into the Parke and meadowes. The officers of the guard declared that they

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found no disposition in their soldiers to fight with any of the General's Army, with whom they had so often adventured themselves against the common enemy. About break of day a party of horse drew up with many of Holmby House amongst them, entred without any resistance at all, being quietly let in and imbraced by the souldiers. Mr. Joyce, Cornet to the Generals life guard came in to us and delivered a paper in writing."

A copy of the paper delivered by Cornet Joyce to the Commissioners :

May it please the honourable Commissioners of Parliament. Wee souldiers now under his Excellency, Sir Thomas Fairfax his command, have by one general consent of the souldiery manifested out true love to the Parliament and Kingdome by endeavouring to prevent a second warr, discovered by the designement of some men privately to take away the King, to the end he might side with that intended army to be raised, which if effected would be to the utter undoing of the Kingdom. We shall be able and willing to bring our testimony when called for, who were the Plotters and Contrivers therein. This being the only way to prevent all these fore-mentioned dangers that might unhappily have come upon us and this whole Kingdom, whose weale we have always endeavoured, with the hazard of our lives and blood of many of our dear friends and fellow soldiers. This being the only thing presented to us, which puts us in our late action, for the preservation of the Kings person and furthering of the Parliaments proceedings, together with the Commissioners great care to effect the same and to discharge the trust imposed upon them.

When the King appeared the following dialogue took place between him and Joyce :

The King: Mr. Joyce, I desire to ask you what authority you have to take charge of my person and carry me away?

Joyce: I am sent by authority of the Army, to prevent the design of their enemies, who seek to involve the Kingdom a second time in blood.

The King: That is no lawful authority. I know of none in England but mine, and after mine that of the Parliament. Have you any written commission from Sir Thomas Fairfax?

Joyce: I have the authority of the Army and the general is included in the Army.

The King: That is no answer. The general is the head of the Army. Have you any written commission?

Joyce: I beseech your Majesty to ask me no more questions. There is my commission (pointing to the troopers behind him).

The King (with a smile) : I never before read such a commission ; but it is written in characters fair and legible enough ; a company of as handsome proper gentlemen as I have seen a long while. But to remove me hence you must use absolute force, unless you give me satisfaction as to those reasonable and just demands which I make : that I may be used with honour and respect, and that I may not be forced in any thing against my conscience or my honour, though I hope that my resolution is so fixed that no force

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can cause me to do so base a thing. You are masters of my body, my soul is above your reach.

In the end the King named Newmarket, the headquarters of Fairfax, as the place to which he preferred to go. The Commissioners protested against the removal of the King, called upon the troopers to obey Parliament, and were met with shouts of refusal. All then set out upon Friday, 4th June, proceeding as far as Hinchbrook, where the King slept that night, going on the next day towards Cambridge. When Fairfax heard of all this, he sent Colonel Whalley with his regiment to desire the King to go back to Holmby and suffer him to guard him back.

"Colonel Whalley met the King and the Commissioners about 4 miles short of Cambridge. His Majesty being not willing to return back for Holmby, they had taken up his quarter for the present at Sir John Cuts' house at Childerly." At Childerly, Cromwell denied that he had sent Joyce for the King.⁵

Issue was now joined between the Presbyterians and Independent Army, the soldiers amongst whom had by this time elected a sort of House of Commons of their own termed the "agitators." The analogy to Parliament was completed by the council of officers, similar to a House of Lords, of which Fairfax was nominally head, but in reality a cipher, his Lieutenant-General, Cromwell, with his son-in-law, Ireton, being the wire-pullers.

After removing from place to place with the Army, the King arrived at Windsor Castle on 2nd July, and on Saturday, 3rd July, went to Lord Craven's house at Caversham, near Reading. The Army allowed the King's chaplains, Dr. Hammond and Dr. Sheldon (later on Archbishop) to attend him, and the Book of Common Prayer was read and sermons preached by them, in spite of Parliamentary protests and orders to the contrary. The Queen's letters were duly delivered to him, and free access of all persons allowed. The greatest concession of all was that the King at last was allowed to see his children. To this Parliament did not object.

At six in the morning on Thursday, 15th July, the King's children set out from St. James's, accompanied by the Earl of

⁵ The King asked Fairfax and Cromwell, "whether it was by their, or either of their authority that he was thus fetcht from Holdenby; and they both disowning it, he reply'd that, unless you hang up Joyce, I will not believe what you say" (narrative of Cromwell's Major, Huntington, printed in the 1702 edition of Herbert's "Memoirs").

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Northumberland, intending to reach Maidenhead by dinner time in order to meet the King. They arrived at Maidenhead at ten, the townsmen and country people flocking in and strewing the streets with green boughs, herbs, and flowers. About eleven o'clock the King arrived at the Greyhound, where the Royal children were. All dined at one table, and the King then returned to Caversham, taking his children with him, for a two days' visit. Cromwell afterwards remarked that it was a most affecting sight to see the King meet his children, and tears trickled down his face at the bare recollection of it, according to Ashburnham.⁶

On 22nd July the King went to the Earl of Devonshire's house at Latimer, and from thence to the Earl of Bedford's at Woburn Beds, where he arrived on the 23rd. By 13th August the King was back at Oatlands, fifteen miles from London, and the next day removed finally to Hampton Court. Colonel Edward Whalley, his guardian, wrote on the 29th: "Here is little newes in Court more than this, that the King was a-hunting yesterday in New Parke, killed a stag and a buck, afterwards dined at Syon (Isleworth), stayed three or four hours with his children, and then returned to Hampton." Walker himself remarked that "His Majesty's usual recreations are, hunting, pelmel, and tennis." Tennis, of course, was the ancient Royal game (of which we hear so little nowadays) played in the court built by Henry

⁶ Robert Blair, one of the most moderate of the Scots ministers, was chaplain to the King in Scotland, in 1646, and was sent, together with Dickson and James Guthrie, by the Commissioners of the Kirk to Cromwell at Edinburgh at the close of the second Civil War in 1648: "When they came to Cromwell he had a long discourse to them with a fair flourish of words, and sometimes tears, taking God to be a witness of their sincerity and good intentions, &c." . . . Blair "put three questions to Cromwell—1. What was his opinion of monarchical government? To which Cromwell answered that he was for monarchical government, and that in the person of the King and his posterity. 2. What was his opinion anent the toleration? Answered that he was altogether against toleration. 3. What was his opinion anent the government of the Kirk? To this Cromwell answered: 'O now, Mr. Blair, you article me too severely, you must pardon me that I give you not a present answer to this; I must have some time to deliberate.' Thus he shifted to answer that query, because he had often professed to Mr. Blair that he was for independency. After they came out from Cromwell, Mr. Dickson, rubbing his elbow, said, 'I am very glad to hear this man speak as he does.' Mr. Blair replied, 'And do you believe him?' 'If you knew him as well as I do, you would not believe one word he says. He is an egregious dissembler and a great liar. Away with him, he is a greeting [weeping] devil.'"—"Life of Robert Blair" (Wodrow Society, 1848).

This corroborates Baxter's criticism of Cromwell—that "he thought perfidiousness, or a lie, to be a tolerable fault in case of necessity."

The Flight to the Isle of Wight.

VIII. at Hampton Court.⁷ "Pelmel," or "paille maille," was the forgotten ancestor of croquet.

The Flight to the Isle of Wight.

In July, 1647, the Queen took a step which, indirectly, was to have the most fatal consequences. Among the Royalist refugees in France were three Royalist soldiers, all honourable gentlemen, in whom she had great confidence. The first was John Ashburnham, who had been paymaster to the King's Army, the second Sir John Berkeley (created Lord Berkeley of Stratton after the Restoration), and the third William Legge. She sent the three to England about this time, when she heard of the improved conditions of the King's captivity and found that she could again correspond with him, for she knew only too well that he would be overreached or deluded in his negotiations with the Army. Clarendon says of Legge that he was modest and diffident, and writes of his integrity and fidelity to the King, and that he had a better judgment and understanding than the other two. Unfortunately, he was the least important of the three in the King's eyes, seems to have been little consulted, and thus no imputation lies upon him. But there was much recrimination later on between Ashburnham and Berkeley, and both have left accounts of their negotiations with Cromwell and Ireton and with the Governor (Hammond) of the Isle of Wight, in which each reflects upon the other's conduct when the King's escape from Hampton Court was carried out.

In the meantime the struggle between the Independents in Parliament, backed by the Army, and the Presbyterian majority, backed by the city, proceeded and culminated in a number of violent proceedings. On 16th June, eleven of the Presbyterian leaders in Parliament were denounced by the Army. On the 25th the Commons refused to suspend them. Fifty-eight Independents and the Speakers of both Houses then took refuge with the Army. On 6th August the Army entered London, bringing with it the refugee members and the Speakers, all of whom resumed their seats. On 16th August six of the eleven members fled to France,

⁷ About thirty courts still exist in England. One is at Oxford, but that at Windsor Castle has disappeared. Pall Mall, London, derives both its name, and the pronunciation of it, to the ancient game played near it by Charles II.

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and, for a time, there was an Independent majority in Parliament. In all this the city played a very cowardly part, made a great show of defence, summoning the trained bands and attending to its fortifications, but in the end did nothing. To give more than this bare outline would be outside the scope of this book, for the pamphlets published at this time are so numerous as to dismay the most persevering of research workers.

But the most important sidelight upon the confusion caused by all this⁸ is provided by the rise of the Royalist and Presbyterian-Royalist pamphlets and "Mercuries," printed by connivance of the authorities in the city, and, in the end, in 1648, outnumbering the licensed tracts and "diurnals," "Mercurius Melancholicus" and "Mercurius Pragmaticus" commenced their weekly appearances in the middle of September, 1647, and "Mercurius Elencticus" on 5th November. There were hosts of other and more ephemeral weeklies, representing every shade of opinion, and it is easy to gather from them that the kingdoms were drifting towards a second Civil War.

Walker's pseudonym of "Luke Harruney" no longer concealed him, for he was now denounced right and left; but the most cursory comparison of his newsbook with the others will prove that he was now the most important writer of the times. With the Army came to London its two chaplains, William Dell and Hugh Peters, who both attracted great notice by their denunciations of the King. Dell had been secretary to Laud, but was now by repute an antinomian. He had been preacher to the Army from 1645, and had married Bridget Cromwell to Ireton. A little consideration of his published writings and of their contradictory nature brings the conviction that he must have been

⁸ Some amusement can be gained from reading the ballads printed about the Army's entry into the city. One is entitled "The Cities welcome to Colonell Rich and Colonell Baxter (Berkstead), with their solemne invitation to the Sainted Commanders in the Army to come and quarter amongst them" (pressmark 669, f. 11 (122)). The first verse runs:

"If we may, dare to say
That you most welcome are
Most Holy, Holy Colonells
Great Mogulls of the Warre
Our blessed Parliament
Most wisely for you sent
Your forces near to draw
For to keep us in awe."

Hewson, Pride, Okey, Staines, Watson, Lambert, and Cromwell are then each sarcastically complimented in turn.



Hugh Peters

(From an engraving of the portrait by Cooper).

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mad. Hugh Peters, who had been attached to the Army ever since its formation, never at any time held any benefice, and is a man whose character there have been continuous efforts to whitewash, both in England and America. It can be said at once, nevertheless, that there is overwhelming evidence that this man was unbalanced in his mind, and that from time to time he was subject to periods of acute mania, each of which was accompanied by a grave moral scandal. Burnet says of him that he was "a very vicious man." James Howell, in March, 1648, wrote of him that he was "an infamous, juggling, and scandalous villain," and made an appalling charge against him, though it is quite evident that he could not have retained the position he held had he been guilty of habitual immorality. "Peters," as all his contemporaries term him, though he usually signed his name "Peter," was exceedingly popular in the Army, chiefly owing to his odd sayings and even antics in the pulpit.

Born at Fowey in Cornwall in June, 1598, Hugh Peter was the son of one Dyckwood, *alias* Peters, and his mother, Martha Treffry, was a cousin of the Treffrys of Place, a splendid old country house in Cornwall not far from Falmouth. Peter went to Cambridge in 1613, matriculating as a sizar from Trinity College in November of that year. Royalist satirists assert that he was then "whipped" from the University,⁹ and it is quite possible that he may have been rusticated for a time, for he did not graduate B.A. till 1618. After this Peters was ordained deacon on 23rd December, 1621, by the Bishop of London, the diocesan records describing him as of Laindon, Essex, school-master. Peters proceeded M.A. in 1622, and was ordained priest on 18th June, 1623.

Peters's first moral lapse is said to have happened about the year 1631, when he fled from London and took service as an English chaplain at Rotterdam. According to Royalist accounts, he had been cudgelled by a butcher called Neal, who lived at Smithfield Bars.¹ Corroboration is lacking, but the tale was never denied. Peters fled from Holland and arrived in New

⁹ "Mercurius Academicus," 11th week, for 23rd February, 1646. "Such a discessit as once he (Peters) had from Cambridge, whence his Governors whipped him for his debauchery."

¹ "Mercurius Aulicus," 40th week, 4th October, 1643, Thomason Tract E. 71 (9). "Mercurius Elencticus" for 29th October-5th November, 1647, E. 412 (31). "Mercurius Pragmaticus," 9th-16th November, 1647, E. 414 (16). Sir John Berkenhead's "The Assembly Man," Somers Tracts, v. 493, and many other Royalist satires, continually repeat the story.

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England in October, 1635, leaving his first wife behind him in Holland. She never saw him again, though she awaited his return there for two years. Howell's accusation against Peters was made in connexion with this flight.²

At Peters's trial, in 1660, Dr. Yonge swore that he attended Peters late in the year 1649, at a time when he was a Colonel and had a regiment of his own in Ireland.³ Peters then told Yonge that he was employed out of New England "for stirring up of the war and driving it on." He made the very grave accusation that Peters also said that Cromwell and himself resolved as early as 1647, when they fled from London to avoid arrest by the Parliament, that they would bring the King "to justice, try him for his life, and cut off his head."⁴

Writing in 1659, the Rev. John Davenport, one of Peters's old associates in Holland, alluded to another outbreak by Peters, and said that he had received a letter from London from a Mr. Blinman stating that:—"Mr. Hugh Peters is distracted and under sore horrors of conscience, crying out of himself as damned and confessing haynous actings. He concludes for the truth hereof, *Sit fides penes auctorem.*"⁵

² This can best be seen in the two following tracts:—"A Letter to the Earle of Pembroke concerning the times, etc." by James Howell), published on 14th March, 1648, E. 522 (5), and "A Key to the Cabinet of the Parliament," published on 20th June, 1648, E. 449 (2). For the fact that Peters's first wife had waited two years for his return, see the letter set out in the "Collections" of the Massachusetts Historical Society, fifth series, vol. i., p. 21. The date and place of her death are unknown, but, since Peters married again in New England in 1638, it took place soon after her return to England.

³ "Master Peters, who is now to fight with the sword as well as the word, is made a Colonel of foot and commands a regiment of new levied men"—"Kingdoms Weekly Intelligencer" for 2nd-9th October, 1649. "Col. Lockhart, after a victory Mr. Peters gained in Ireland, said he was a fit minister for soldiers"—"Collections" of the Massachusetts Historical Society, first series, vi., p. 254. "Your father Peters is a Colonel and Governor of Milford Haven"—Downing to Winthrop, "29.2.50," *ibid.*, fourth series, vi., p. 76. "Mr. Peters is Colonel of a foot regiment in Ireland"—Endecote to Winthrop, 28th April, 1650, *ibid.*, fourth series, vi., p. 153. For the scandal which caused Peters's flight from London to Cromwell and acceptance of military service, see "The Man in the Moon" for 1st-8th August, and for 23rd-30th August, 1649. I have dismissed Yonge's "England's shame" as unworthy of consideration, but his evidence as to Peters's trial is corroborated by the above quotations.

⁴ "Exact and most impartial accompt" of the trial of 29 regicides (1660), pp. 155-6. (Compare Hist. MSS. Commns. seventh Report, Appendix, p. 751.)

⁵ "Collections" of the Massachusetts Historical Society, third series, vol. x., pp. 25-6. See also "Notes and Queries," eleventh series, vol. viii., 430 and 461.

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Peters now distinguished himself by publishing his "Word for the Armie and two words to the Kingdom" upon 11th October, 1647. In the course of this he remarked, "We are grown effeminate with ease and are more cowed with a dead dog than we have been with a living lyon." These words were invariably interpreted to refer to the King. He then put forward a series of twenty utterly impracticable and foolish proposals for reform of everything and everybody. The pamphlet is that of a clerical lunatic. Four days later on Walker printed an interesting letter from Hampton Court, the first sentence of which proves that the King feared a more rigorous confinement: "Right Hon. His Majesty hath heard something, as if it was intended to remove him, but desires to continue here, and I suppose the Parliament will be content. Lately his Majesty caused divers to be brought to his presence to be healed of the Evil. One who had been very active against the Kings Army was taken notice of at a late healing, but not put by. The people bring pieces with them, and his Majesty lately told them that silver and gold he had none, but gave them such as he had, and so stroaked them and proceeded according to the manner of healing." Parliament had stigmatised touching for the Evil as a "fond superstition," and had forbidden it.

At the commencement of November the King withdrew his parole from Colonel Whalley, his guardian at Hampton Court, and began to consider plans for escape. Colonel Whalley immediately doubled the guards, but two letters, one from Cromwell to Whalley (shown by him to the King), and the other signed "E. R.," were delivered at Hampton Court on the day upon which the King actually escaped. The letter from Cromwell exists only as a fragment, but Whalley himself, in a written statement to the Speaker,⁶ says that it "intimates some murderous design, or the fear of it, against his Majestie."

The letter from E. R. was as follows:

May it please your Majesty,

In discharge of my duty I cannot omit to acquaint you that my brother was at a meeting last night, with eight or nine agitators, who, in debate of the obstacle which did most hinder the speedy effecting of their designs, did conclude it was your Majesty and as long as your Majesty doth live

⁶ Whalley's statement was printed on 22nd November, though it is not to be found in the Commons Journals. The printed copy is Thomason Tract, E. 416 (23).

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you would be so. And, therefore, resolved, for the good of the kingdom, to take your life away; and that to that action they were well assured that Master Dell and Mr. Peters (two of their preachers) would willingly bear them company, for they had often said to these agitators your Majesty is but a dead dog. My prayers are for your Majesty's safety, but do too much fear it cannot be whilst you are in those hands. I wish with my soul your Majesty were in my house in Broad Street, where I am confident I could keep you private till this storm were over, but beg your Majesties pardon and shall not presume to offer it as an advice, it is only my constant zeal to your service.

Your Majesties dutiful subject,

E. R.⁷

Of this letter, Baxter, who was Whalley's chaplain, asserts that "most think it was contrived by Cromwell."

Henry Walker carefully omitted this letter, but on 3rd December he, and he alone, printed the following denial:

A declaration from Mr. Hugh Peter and Mr. Dell, chaplains to his Excellency Sir T. Fairfax:

We do take notice of those horrid falsehoods which malignant pens charge upon us concerning the King and other matters. Which base, unworthy, scandalous reports, as they cannot reach us in the least measure, so 'tis far beneath us to contend with dunghills by answering of them. It is the reward we expect from the world for all our hazzards and labours which we have undergone for the good of our country and leave judging to Him that will judge righteously. Only we give warning of a spirit now stirring, much more full of bitterness and cruelty than at the beginning of these troubles, by which all good men may perceive how they are like to fare if the design of disbanding this army should take effect."

This emphatic denial by these two firebrands, it will be noticed, was not published until 3rd December, long after the King had been successfully inveigled into his prison at Carisbrooke.

Upon Thursday, 10th November, "the day he went away," according to Whalley's own story, Cromwell's letter was shown by him to the King. From five to six it was the King's habit to write letters on Thursdays and Mondays and then to go to prayers, and half an hour after that to have supper, shortly after which he retired. But when the King had not come out of his room by seven on that day, Whalley became anxious and peeped through the keyhole of the room where the King usually wrote, but could see nothing. At last, about eight o'clock, he pretended to be seriously alarmed, and went with the keeper of the privy lodgings, Smithby, through the garden, up the stairs, and from room to

⁷ Set out with the other letters in both the "Kingdoms Weekly Intelligencer" for 9th-16th November, and the "Perfect Weekly Account" for 10th-17th November.

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room until they came to the chamber next the King's bedroom, where they found the King's cloak lying in the midst of the floor. They then called the King's bedchamber men, Mawle and Murray, and penetrated with them into the bedchamber, where the King usually wrote, and found that he had gone. On the table were four letters, the first that from E. R. to the King, already set out, one addressed to the Speaker of the House of Commons, a third to Lord Montague directing him to forward this last letter and to send a copy of it to Fairfax, and, lastly, one to Whalley himself. This last letter ran as follows:

Col. Whaley, I have been so civilly used by you and Major Huntington that I cannot but by this parting farewell acknowledge it under my hand, as also to desire the continuance of your courtesie, by your protecting of my household and moveables of all sorts, which I leave behind me in this House; that they be neither spoiled nor embezzled. Only there are three pictures here that are not mine that I desire you to restore. To wit, my wives picture in blue, sitting in a chair, you must send to Mrs. Kirk, my eldest daughters picture copied by Belcam to the Countess of Anglesey, and my lord Stanhope's picture to Cary Rawley. There is a fourth which I had almost forgot, it is the original of my eldest daughter (it hangs in the Chamber over the board next to the chimney) which you must send to my lady Obigney [Aubigny]. So being confident that you wish my preservation and restitution I rest your friend, Charles Rex, Hampton Court, the 11th November, 1647.

Then followed an important postscript:

I assure you it was not the letter you shewed me to-day that made me take this resolution, nor any advertisement of that kind, but I confess that I am loath to be made a close prisoner under pretence of securing my life. I had almost forgot to desire you to send the black grew [greyhound] bitch to the Duke of Richmond.

In the lengthy letter to Parliament (which must have been long in preparation), the King commenced by saying: "Liberty being that which in all times hath been, but specially now is the common theme and desire of all men; common reason shews that Kings less than any should endure captivity. And yet I call God and the world to witness with what patience I have endured a tedious restraint, which so long as I had any hopes that this sort of my sufferings might conduce to the peace of my kingdom, or the hindering of more effusion of blood, I did willingly undergo. But now finding by too certain proofs that this my continued patience would not only turn to my personal ruin, but likewise be of much more prejudice than service to the public good, I thought I was bound as well by natural as political obligations to

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seek my safety by retiring myself for some time from the public view both of my friends and enemies."

The King then complained of the countenance given to the Levellers and of an intention to take away his servants and put stricter guards upon him, and that there was no intention to hear him by either Presbyterians, Independents, or Army. Then he concluded: "Now as I cannot deny but that my personal security is the urgent cause of this my retirement, so I take God to witness that the public peace is no less before mine eyes," adding that the Army ought to have a liberty of conscience, an act of oblivion or indemnity and their arrears paid, which he would undertake to do if he might be heard. Then, "To conclude, let me be heard with freedom, honour and safety and I shall instantly break through this cloud of retirement and show myself really to be Pater Patriæ.—CHARLES R."

After he had found these letters, Whalley stated that he immediately searched the lodge in the park and sent despatches to Fairfax and Cromwell, who sent him orders to do what he had already done, that is, send out parties of horse every way. "I sent to search Mr. Ashburnham's house at Ditton," he adds, but the house was "empty." Ashburnham had gone "two or three days" before, his "household goods two days" and his "horses the night before." Could this removal have taken place at a house so near at hand, in a neighbourhood then so sparsely inhabited, without every one being aware of it before the King's flight?

Those who remember Andrew Marvell's lines will ask whether we cannot see the hand of Cromwell in all this, as we now admittedly can do in the case of the abduction of the King from Holmby. Is it true to say of Cromwell that:

Twining subtle fears with hope
He wove a net of such a scope
That Charles himself might chase
To Carisbrooke's narrow case
That thence the royal actor borne
The tragic scaffold might adorn.

If it is true, something worse than suspicion attaches to Colonel Whalley—Cromwell's first cousin, be it remembered. Whalley, a year later on, was a regicide, signed the King's death warrant, and was hand and glove with Cromwell during the Interregnum. And if Whalley was Cromwell's instrument, and deceived Ashburnham, this would explain Ashburnham's extraordinary conduct in taking the King to the Isle of Wight. Sir Richard Bulstrode

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wrote that the King "missed his design of going to Jersey, the ship failing to be at the place, if any place was really appointed which was promised, and the want of it caused some reflections upon the undertaker (Ashburnham) who was very well known to me." Thus, in one very material point Berkeley is corroborated, the King had not meant to go to the Isle of Wight. In any case, Ashburnham's horses had been sent on ahead to Sutton, in Hampshire, whither the King and the others were to proceed after his escape.

The night of Thursday, the 11th, was dark and stormy when the King made his way through his rooms to the back stairs mentioned by Whalley, passed into that part of the garden termed "Paradise," and through it to the waterside, where, presumably, some one was waiting with a boat. Again a doubt of Whalley suggests itself. Where were the sentinels? Surely one should have been posted at the foot of the stairs at least, even if there were none in "Paradise." Sir Roger Manley accuses Whalley of having besought the King "to save himself by a timely retreat, affirming that this also was the sense of the chief officers of the Army, who were very unwilling to be spectators of what they could not at present help. With these artifices, the best of princes being circumvented, privately withdrew himself from Hampton Court, which by the removing of the centinels was not difficult."

Having crossed the river to Thames Ditton, and having been met on one side or other by Ashburnham, Legge, and Berkeley, the King rode off with them to Long Sutton, in Hampshire, but the night was so stormy that they missed their way and did not arrive there until daybreak. They found that the inn at that place was occupied by one of the Committees appointed by Parliament, so that after changing horses they pushed on without a rest towards Southampton. Finding that no ship had been provided by Ashburnham, a consultation was held as they walked their horses down a hill. At the end of this the King, on Ashburnham's suggestion, decided to go to the Isle of Wight, sending Ashburnham and Berkeley on to sound Hammond, the Governor of the island, whilst he himself, accompanied by Legge, went on to Lady Southampton's house at Titchfield, two miles from Fareham. Copies of the King's letter to Parliament and of those from "E. R." and from Cromwell were sent for Hammond to see, and they were to desire him to promise to protect the King and his servants to the best of his powers. Otherwise Hammond was to

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“oblige himself to leave us in as good a condition as he found us, that is, suffer us to make our escape.” Berkeley came back when the two had gone a little way and suggested to the King that if they both did not return the next day he should think no more of them, “but secure his own escape,” and to this the King agreed. This meant that they would risk arrest and the gallows rather than discover the King’s whereabouts. They then crossed to the island, *via* Lymington, near the west side of the island, the better to baffle pursuit of the King (for the King had gone to the east side), arriving at Carisbrooke before ten. When they saw Hammond and told him the purpose of their mission, he grew pale, and trembled so much that he nearly fell off his horse. “O gentlemen,” said he, “you have undone me by bringing the King into the island—if, at least, you have brought him. And if you have not, pray let him not come; for, what between my duty to his Majesty and my gratitude for this fresh obligation of confidence on the one hand and my observing my trust to the Army on the other, I shall be confounded.” Berkeley adds, “Other while he would talk to quite contrary purpose.” Berkeley formed an unfavourable opinion of Hammond from the conversation which ensued, went to Ashburnham and told him he would never consent that the King should trust him. Ashburnham then took Hammond apart. At this point the narratives of the two disagree, but it is clear that, at Ashburnham’s instance, the arrangement made with the King by Berkeley was not carried out. At first Berkeley was to have been left in Carisbrooke under arrest, whilst Ashburnham and Hammond went to the King, but this piece of treachery ended in the two being carried back by Hammond with him to the King. On the way Hammond picked up Basket, the Governor of Cowes Castle, and took him with them. When Berkeley complained to Ashburnham of this, the latter said, “It was no matter, for that we shall be able to deal well with them two.” When they all arrived at Titchfield, Ashburnham went up alone to see the King, who when he heard that Hammond was below, struck himself upon the breast and said, “What, have you brought Hammond unto me! O, you have undone me; for I am by this means made fast from stirring.” Ashburnham offered to kill Hammond, but the King would not hear of this, saying, “For if I were to follow that counsel it would be said and believed, that he had ventured his life for me and that I had unworthily taken it from him. No,

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it is too late now to think of any thing, but going through the way you have forced upon me, and to leave the issue to God." Ashburnham then wept bitterly. Sir Philip Warwick, who calls Ashburnham his friend, wrote that the King, later on, told him of Ashburnham, "I do no way believe that he was unfaithfull to me; but I think he wanted courage at that time (which I interpreted his Majestie meant his not staying with the Governor), whom I never knew wanted it before." Sir Philip, too, draws attention to the fact that Whalley had not prevented the King's escape, which he very well could have done after the King had withdrawn his parole a fortnight before. But Whalley, in the course of a reply to a letter from Ashburnham, asserted that "if the King did command Mr. Ashburnham, as it seemed to him, to take off his engagement, he hath not discharged his trust."⁸ Yet Whalley, in his first account, had admitted that "a fortnight ago" the King refused to renew his engagement, saying that this "was a point of honour. You had my engagement, I will not renew it, keep your guards." It is impossible not to conclude that Whalley was guilty of double dealing, or he would not have denied that the King had withdrawn his parole.

At first the King was very much under the same restraint at Carisbrooke as he had been at Hampton Court. On 17th December Walker commenced printing a series of letters from the Isle of Wight, remarking that one dated 8th December said that the King "had lately been to visit the Needles and from thence to Yarmouth, and was in the way entertained with a Banquet by Mr. Hurrey." The King was in good health, but by reason of the wet had had little pleasure by hunting in the forest.

Under the date of Thursday, 16th December, there was the ominous entry, "Lieutenant General Cromwell hath gone to the Isle of Wight." He did not return until 23rd December.

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On 24th December, instead of allowing the King to treat with them, the Houses presented four Bills to the King under "take them or leave them" conditions, and when, as might

⁸ Letter "from Colonel Whaley" to Lenthall, published on 7th December, 1647, E. 419 (14). Ashburnham's modern biographers have failed to notice that the Parliament of 1661, in which he was one of the members for Sussex, expelled him on 22nd November, 1667, for accepting a bribe of £500 from French merchants.

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have been expected, the King rejected them, the reason for Cromwell's journey at once became evident. Sir Philip Warwick says of these Bills: "The effect of them was, tho' not in plain terms, to divest himself and his heirs of the Militia by sea and land, and to lodge this power in the two Houses, with power to raise what monies they pleased to support it. And that the two Houses might have power to adjourn themselves as they pleased. The consequence whereof is too well known to be descanted upon. The other two bills were of no difficulty to have been granted, viz., The recalling all his Majesty's former Declarations, etc., and incapacitating those peers made since his Majesties first quitting the Parliament from sitting therein."

The King rejected the Bills on 28th December, and had intended to attempt to escape, a ship having been provided for this purpose, but was frustrated by Hammond, who now, for the first time, made him a close prisoner, confined to the castle. Not until 13th January did Walker report the altercation between the King and Hammond "upon securing his person," and Walker then gave the following version of it:

"His Majesty desired to know the reason of this sudden change and how it could stand with the Governor's honour and engagement to him, that so freely cast himself upon him. Whether the Parliaments Commissioners were privy to it, and by what authority he did it.

"Colonel Hammond's answer to his Majesty. That he believed his Majesty was not ignorant of the cause of his restraint, his Majesty acting by other counsels than those that stand for the good of the kingdom. That his honour and honesty are engaged to those by whom he is employed. That he was certain the King had found more from him than he could have expected before he came, as things stood. That the Commissioners were not at all privy to it, but that he had order from both Houses of Parliament for what he did, and that he knew what concernment the person of the King is to the kingdom and that if the King should offer to remove if Sir John Ashburnham and the rest of the Gent. were about him they would assist him."

[These servants of the King had been sent away, and for them Hammond substituted "Mr. Tho. Herbert, Mr. Anthony Mildmay, Mr. Titus, and Mr. Preston."]

"His Majesties reply. His Majesty commanded the order to be read by Mr. Ashburnham, gave the Governor thanks for be-

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speaking the good liking of the Houses. That, for once, the King would dare to be a prophet, that if ever the Houses did return he would not be believed, but give the Col. thanks and gratuities. That the people should never be slaves by any Act of his Maj. That the Governor could not answer what he had done.

"Colonel Hammond's reply. That he did nothing but what he could answer both to God and Man. Had he done amiss he was content his head should answer for it and that his Maj. and the kingdom might be happy, he cared not how soon it was."⁹

On 26th December, however, it should be noticed the King had signed the "engagement" with the Scots, who were to come to his assistance. This meant another war.

Towards the end of December, about the time when the four Bills were presented to the King, Walker resumed his career as a literary pirate, issuing a small tract entitled, "The Bloody Almanack for this present jubilee. By Mr. John Booker." Booker was a well-known astrologer, but on the side of the Parliament, so that he did not disclaim this fraud, the whole object of which is disclosed by one of the rough woodcuts on the title-page, depicting a delinquent kneeling at the Commons bar, with the legends at the top, side, and bottom, "His Majesties return to the Parliament," "The joy and peace of the people," and

⁹ A newsletter dated 6th January, 1647-8, printed in the Appendix to the second volume of the Clarendon State Papers (XL. iv.), gives a different account of this conversation:

"King: Why do you use me thus? Where are your orders for it? Was it the Spirit that moved you to it?"

Hammond, who had no orders from the Parliament, but likely some advice from the Commissioners, said nothing at first, but afterwards laid it upon his Majesty's answer.

"King: Did you not engage your honour you would take no advantage from thence against me?"

"Hammond: I said nothing.

"King: You are an equivocating gentleman. Will you allow me any chaplain? You pretend for liberty of conscience, shall I have none?"

"Hammond: I cannot allow you any chaplain.

"King: You use me neither like a gentleman, nor a Christian.

"Hammond: I'll speak with you when you are in a better temper.

"King: I have slept well to-night.

"Hammond: I have used you civilly.

"King: Why do you not so now then?"

"Hammond: Sir, you are too high.

"King: My shoemaker's fault then; my shoes are of the same last, etc. (Twice or thrice to this purpose.) Shall I have liberty to go about to take the air?"

"Hammond: No, I cannot grant it.

"His Majesty charges him with his allegiance and told him he must answer this. Hammond cries."

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"The execution of Justice." Walker was immediately denounced by the Royalist press for this.¹

The rage and indignation with which the news that the King was actually in prison was received in England, by Presbyterians as well as Royalists, was increased by the Parliamentary vote of 3rd January, 1648, to the effect that—(a) "No more addresses should be made from the Parliament to the King, nor any letters or messages received from him"; (b) it was to be treason for any one to deliver or receive a message from the King. Sir Thomas Wroth, one of the members for Somerset, even suggested that in addition articles of impeachment should be drawn up against the King, and that he should be laid by and the kingdom settled without him. An incident in the Isle of Wight proved this indignation.

A loyal gentleman of good family, Captain Burley, happening to be in Newport when the dismissal of the King's servants occasioned a commotion there, caused a drum to be beaten and urged the inhabitants, with the rallying cry of "for God, King Charles, and the people," to seize Carisbrooke Castle and rescue the King. The result was inconsiderable, few people but women and children having joined him, and the entire company having but one musket among them. The mayor turned against them and sent for soldiers from Carisbrooke, to a dungeon in which castle Burley himself was committed. No damage had been done and no one had been injured, and the merits of the case would

¹ See *Mercurius Melancholicus* "for 18th-25th December, 1647, a passage which commences "He hath counterfeited Mr. Booker's name, under the false title of a 'Bloody Almanack,'" &c. This number was written by Martin Parker, who commemorated this almanack in a special verse of the second edition of his "When the King enjoys his own again":

"Did Walker no predictions lack
In Hammond's bloody almanack?
Foretelling things that would ensue
That all proves right if lies be true.
But why should not he the pilbry foresee
In which poor Toby once was ta'en
And also foreknow that to the gallows he must go
When the King enjoys his own again."

Sir Walter Scott (*Somers Tracts*, vol. vii., note to p. 96) had evidently not encountered the burlesque sermon by Taylor on "Tobias dog's taste," for he thought that Toby and Henry were two distinct persons. Sir Walter says of Henry that "He must be distinguished from Toby Walker, a special agent of Cromwell, who rose from being a basket maker to command a regiment (!), was the principal person who broke into the King's cabinet and ransacked his papers after the battle of Naseby, and is sometimes supposed to have been the masked executioner of 30 Jan." See also Sir Walter's note to p. 439 of vol. iv.



Father Robert Persons, S.J.

(From Cornelius Hagart's "Kerklijeke Historie," iii., 1668.)

The King a close Prisoner.

have been met by releasing Burley upon security for good behaviour. The Independents, however, decided otherwise. Serjeant-at-law John Wilde, who had been illegally appointed Chief Baron of the Exchequer on 12th October, 1646, by the Long Parliament, was specially sent to Winchester in order to try Burley for "high treason." No word of excuse for John Wilde can be found in any writer of the times. Clarendon calls him "an infamous judge," Anthony à Wood says that it "was all one to him whether he hung or hung not, so he got the beloved pelf," and that for this transaction he received £1000. The jury was carefully packed, one Steele, who was rewarded by being made Recorder of London, prosecuted, and the indictment charged Burley with high treason, for levying war against the King and endeavouring to engage the kingdom in a new war. On 22nd January the trial took place. Burley was then sentenced to death by Wilde, and hanged and quartered with the customary barbarity of the times. Thus a judge, acting without any legal commission, and a King's attorney, acting in the King's name, against the King, pursued to death a loyal subject, charging him with treason, for opposing those who were committing it! Wilde only escaped the hangman after the Restoration owing to his refusal to have anything to do with the trial of the King at the end of this year.

Walker's Literary Frauds.

Walker now issued two literary frauds of the first historical importance, so much so that it is strange that historians have not noticed them. In the days of Queen Elizabeth the question of who should be her successor was discussed in a learned treatise published by the famous Jesuit scholar and politician, Father Robert Persons (Parsons). Father Persons entitled his book, "A Conference about the next Succession to the Crown," and published it under the pseudonym of "Doleman" in 1594. It is very often alluded to as the "Book of titles." Speaking generally, its main theory was the people's right of choosing their ruler as opposed to the Gallican theory of the Divine right of kings, and its practical (though unexpressed) object was to advocate the claims of the Infanta of Spain as successor to Elizabeth. Parliament made it high treason to have a copy of this book in a house, and many Catholics, Bishop Gifford included,

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received it with dismay and indignation. But that this book in an altered dress by Walker should ever have formed a textbook for regicides cannot have entered into Father Persons's wildest dreams. Anthony à Wood states that one of the two Darleys (Yorkshire members of Parliament) bought a copy of "Doleman" from a well-known bookseller, Cornelius Bee, and placed it in Walker's hands, and that for his altered version of the "Conference" Walker was paid £30. The work of altering it was not difficult, and consisted chiefly in changing the nine speeches exchanged between "a civil and a temporal lawyer" in the original book into a similar number of speeches supposed to have been delivered at a conference between the Lords and Commons about their powers to proceed against the King for misgovernment;² "the highest insult and greatest dishonour ever offered to a Protestant Parliament," said Prynne, "thus to have the book and doctrine of a Jesuit fathered upon them."

Writing in his "Perfect Occurrences" for 21st-28th January, 1648, Walker said: "There is a book in the press of divers speeches at a conference, concerning the power of Parliament in relation to the King, which will within few days be published." In his next number, for 28th-January-4th February, he added: "His Majesty is very melancholy. The speeches at a conference came abroad this day in print concerning the King." The book is to be seen in the Thomason Collection at the British Museum, and is entitled "Severall Speeches delivered at a Conference concerning the power of Parliament to proceed against their King for misgovernment."³ A large number of sub-headings follow, and there is not a word from end to end of the volume about its origin or authorship. Where the word "Pope" occurs in the original "Parliament" has been substituted.

An equally important book was published by Walker on 1st March, 1648, but did not make such a sensation as his "Severall Speeches." This was an English translation of "Vindiciæ contra

² See more of this book in Wood's "Athenæ," ii., 71, the tract published on 6th May, 1648, entitled, "The King's most gracious messages for peace and a personal treaty," E. 438 (19); Prynne's "Speech" of 4th December, 1648, and "The Man in the Moon" for 27th June-4th July, 1649. The earlier history of the book was exhaustively treated by the late Rev. J. H. Pollen, S.J., in the "Month" for May, 1903, in an article entitled "The Question of Queen Elizabeth's Successor." Shortly before his death Father Pollen informed the present writer that he had altered his opinion that Verstegan was the real writer of the book, and that he then ascribed it altogether to Persons.

³ Pressmark E. 438 (19).

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Tyrannos"—a work attributed to Hubert Languet, Duplessia de Mornay, and in the seventeenth century even to Beza and to Father Persons, for the pseudonym under which it was published was "Junius Brutus." Walker advertised this book in his "Perfect Occurrences" for 18th-25th February, 1648: "There is a translation of Junius Brutus (called 'Vindiciæ contra Tyrannos') in the presse, almost ready for publication, a peece sutable for the times." Again, in his next number, for 25th February-3rd March, he said: "There is a book translated into English, called 'Vindiciæ contra Tyrannos,' which fully clears all such disputes" (alluding to Mr. Justice Jenkins's pamphlets on behalf of the King).

The translation is an excellent one, and, since it may safely be stated that Walker was incapable of construing Latin properly, the assertions of the writer of a tract published on 3rd April, 1649, can be accepted when he says that Walker was only employed to get it published.⁴

A letter printed by Walker on 11th February is of interest, but, as usual, he did not give the name of its writer or say to whom it was addressed:

Right Honourable. His Majesty, after morning prayer, takes usually before dinner some 6 or 8 circuits about the Castle wall and the like in the afternoon, if fair; much time spent every day in private. He speaks most to us at dinner, askes newes, particularly concerning Ireland, Scotland, the City of London and the Army. The death of Captain Burley, quartered at Winchester, is little spoke of. His Majesty is as merry as formerly. All quiet and faire twixt his Majesty and Col. Hammond the Governor. Some money is come from the Revenue. We had use for more had it been sent. When messengers came from London the Kings asks how his children do and seems to desire to know what the Parliament will do. It is a great engagement under which we live here, but the Governor is both wise and vigilant and I doubt not but will give a good accompt. Captain Burley died desperately. He said more blood would follow, denied his judgment to be legal, said the Gentlemen from London condemned him before they came, the Ministers in their pulpits and the jury at the Bar; but that he was clear from being a traitor. Malignants will have it that where he was quartered is a spring of blood, but it is nothing but the blood that ran from him which was not quite dryed the next morning and gone as soone as any other would, there being no ground for the report, which is all at present from,

⁴ "A Modest and clear Vindication of the 'Serious Representation' and late 'Vindication' of the Ministers of London," pp. 49-50, E. 549 (10). "One of the good members . . . did employ Walker the Mercury man (who write the 'Perfect Occurrences') to get this book being translated into English, to be printed." Mr. Harold J. Laski reprinted this translation in 1924, and made the mistake of attributing it to William Walker, secretary to Major-General Lambert, and Henry Walker's brother.

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Your Honours humble servant. Carisbrook Castle, the 2 of February 1647 (i.e., 1648).

Plans for the King's escape were now seriously taken in hand, though some one or more of the attendants about him seem constantly to have given information to the rulers in London of all that was taking place, Hammond even resorted to the mean device of searching the King's escritoire for letters secretly sent to him, and was asserted to have struck the King in a struggle for the possession of some of them. "Many false reports were this day spread," wrote Walker under the date of 27th March, "that Colonel Hammond struck the King and pulled him over a form to search him, all which, with some other abominable lyes, groundless and senseless, were spread up and down to abuse the City and Kingdom with confidence." A pamphlet was published on the subject and, of course, exaggerated the matter.⁵

Two letters, printed by Walker on 24th March and 14th April, respectively, prove that provision was being made for some relief for the King in the shape of bowls:

Right Honourable. On Thursday last, here was a gentleman from London, who was admitted to kiss his Majesties hand; to which he had such zeale that he fell down flat on his face, which caused the King to laugh heartily. And the gentleman rising up again kissed his Majesties hand, and was asked how the King's children did. He answered that he had heard at Doctor Mayons [Sir Theodore Turquet de Mayerne] that they are well. Yesterday his Majesty walking about the Castle said that it was halfe a mile. He is very pleasant and full of discourse. The King is to go this day to see the workmen at the Bowling Alley, which goes forward apace and will be a gallant one, when finished. Carisbrook Castle, the 18th of March, 1647.

Honoured Sir. His Majesty is very well pleased with the bowling alley, which is now finished and the bowls being come his Majesty was very merry at play with Colonel Hammond our Governor, Major Cromwell [Cromwell's cousin], Mr. Mildmay and Col. Herbert and others. All things here are quiet and faire. The King is very free in his expressions with the Governor and others. His Majesty said that we are fooles and doe not play our game well, saying, "What are ye afraid of? An Army of 20,000 resolute men in England with this island and the command at sea, may oppose all the kingdoms in the world," and gives good reason for it. That if he had our game to play he would make other improvement of it. He curseth the Marquess of Argyle and his party in Scotland and saith in a merry way only that they are traytors and Scots cowards. And as for his discourse of the state of things and what may be done, his Majesty speaketh with extraordinary discretion and gives solid reasons. Carisbrook Castle, 10 April, 1648.

⁵ "The Fatall Blow; or the treasonable Fact of Hammond in offering force to his Majesties sacred person discussed," published 12th April, 1648, E. 522 (16).

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Again, on 21st April:

Sir. His Majestie receiving some printed books [i.e., newsbooks] from London said There was enough to puzzle him. Being at the Bowling Alley, said it would be hot bowling in May. This day his Maj. touched above 20 for cure of the Evill as he came down to dinner, and having dined is gone to Bowles. Carisbrook Castle, 18 April, 1648.

And on 12th May:

Right Honourable. His Majesty is very well pleased with the proceedings of those who are for him both in England, Scotland and Wales. The taking of Berwick and Carlisle seem to be looked upon as a good service. When the King heard the Duke of York was gone his Majesty did much rejoyce and prayed God to bless him; he is seemingly, exceedingly merry and bowles for the most part every day. His Majesty desired of the Governor that he might pass out of the works, but Col. Hammond told him that he could not answer for granting of it. Then the King asked what he was afraid of, but was satisfied. Many come to be healed of the Evill, but I believe the heat of the weather coming on there will be a stop, to prevent the danger of his Majesties person. The Governor wants money to go on in strengthening the island and the souldiers desire pay, both which are necessary works that call for dispatches. Carisbrook, May 8, 1648.

The Duke of York, afterwards to be James II., had succeeded in escaping to Holland on 20th April, disguised in women's clothes.

Lastly, a letter printed on 26th May, reveals the fact, hitherto concealed, that the King was in a somewhat neglected condition, and that the stories told by other writers about his grey hair and unkempt condition are true:

His Majesty hath received the case of instruments, they are very dainty ones, but he will not yet have his haire cut because he hath not his own barber, it growes very long. Mr. Herbert and Mr. Harrington his Privy chambermen are weary of their places, for their duty is great. His Majesty is well, goes daily to bowles, but I believe is clear of acting with the malignants in their present designs. Carisbrook, the 22nd of May, 1648.

A collision now took place between John Dillingham, the writer of the "Moderate Intelligencer," and Mabbot, the licenser, mention of whom has already been made. On 11th May, 1648, Dillingham inserted a scrap of French in his "Moderate Intelligencer"—"*Dieu nous donne les Parlements briefs (sic), Rois de vie longue.*" It was some time before Mabbot found out what these words meant, for they bore no relation to the context of the passage in which they occurred, but when he did find out, he refused to license Dillingham's newsbook any longer, went to Dillingham's printer (White) and arranged with the man to issue another newsbook written by himself. He could not adopt Dilling-

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ham's title of the "Moderate Intelligencer," for that was Dillingham's copyright, but he went as near as he dared to doing so by styling the new periodical "The Moderate," and by making the numeration of the first number "No. 171 for 23-29 June, 1648"—number and dates both being consecutive with the numeration and dates of the periodical he fondly thought he had suppressed. The dishonesty of this proceeding was emphasised by his introduction to the new journal, "I have laid down my former title of 'Moderate Intelligencer' and do go by another, viz. 'The Moderate.'"

Nothing daunted, Dillingham found another printer, continued to issue the "Moderate Intelligencer," and appealed to the House of Lords. Mabbot also appealed, but Dillingham was successful, so Mabbot was ordered to change his day of publication and no longer to counterfeit the "Moderate Intelligencer." Accordingly "The Moderate" No. 1 appeared for Tuesdays 1st-8th July instead of Thursdays. Dillingham and Mabbot ever after were enemies. But their two periodicals, if only for this reason, deserve careful scrutiny at the time of the King's trial.

The Last Attempt to Escape.⁶

The "superstition of the Majesty of the grey discrowned head," as Godwin disgracefully expresses it, had made itself felt all over the kingdoms, which were now everywhere in revolt against the Parliament and their exactions for the support of the Army. A plan, therefore, for the escape of the King was set on foot by Henry Firebrace, page of the King's bedchamber. Herbert does not seem to have been trusted in this matter, for he has nothing to say about it. Through Firebrace (with whom the King spoke, when he could, at "a chink" in his door) the King concerted plans with Colonel Titus, the former Presbyterian, and Richard Osborne, among his attendants, and with some leading inhabitants of the island, of whom Edward Worsley and John Newland were the chief. Newland had provided a "lusty boat" to carry the King wherever he wished, and the date fixed was the 20th March. The King was to get through his bedchamber window in the middle

⁶ The best book on this subject is George Hillier's "A Narrative of the attempted escapes of Charles I. from Carisbrooke Castle," published in 1852. This contains the King's secret correspondence with Titus and much other matter nowhere else to be found. A second edition, brought up to date, has long been overdue.

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of the night and let himself down by a cord to the bottom of the wall, where Firebrace was to meet him and conduct him to the great wall of the castle. There he was to be let down by Firebrace, and so to reach the counterscarp, where Worsley and Osborne were to await him with horses. When the night arrived, all miscarried. The King had been confident that he could get through the bars of his window, saying that where his head would go his body would follow, but now found that this was not so, "he sticking fast between his breast and shoulders and not able to get forward or backward, but that, at that instant, he mistrusted and tied a piece of his cord to a bar of the window within, by means of which he forced himself back." The King then set a candle in the window as a signal that the plan had failed.

There was a traitor amongst those privy to the plan, for, on 6th April, Cromwell wrote to Hammond telling him all that had happened, and that aquafortis had "gone down from London to remove that obstacle which hindered." Titus, he added, was not to be trusted, and Firebrace, Cresset, and Burroughs were also doubted. On 21st April, after he had examined them, Hammond sent away Titus, Burroughs, and Cresset, and removed the King to other rooms. Beneath the King's bedchamber a platform was thrown up and a sentinel stationed. Mrs. Whorwood in London was now enlisted in the King's service, and was instructed to procure files and aquafortis "to make the passage more easy" through the bars. Jane Whorwood, however, did what after all was not a very extraordinary thing, considering the superstition of the times, for she consulted Lilly, the astrologer. But considering the known character of this man (who was being denounced at the time as a swindler by the Royalist "Mercurius Elencticus"), it was an indiscreet course to take, although there does not seem to be any evidence whether or not Lilly betrayed the plan, though he obtained the necessary saw and aquafortis, other than the fact that information that they had been sent was at once supplied to Hammond on 21st and 22nd April. Hammond's chief officer at this time was one Rolph, formerly a shoemaker, but now a Major, who had been given this position by Cromwell. A further letter from the Parliamentary Committee at Derby House showed a complete knowledge of the plan in all its details. "The time assigned is May-day at night, for the King's escape, but it may be sooner if opportunity serves," wrote they to Hammond, in a letter describing all the arrangements in minute

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detail, even to the fact that Mrs. Whorwood was to be in waiting in the ship in order to attend upon the King. It is impossible not to suspect that the wretched quack Lilly had betrayed the King.

Writing to the Speaker of the House of Peers on 29th May, Hammond described the last attempt to escape, which had taken place on the previous evening. In this Osborne and "Dowcett" [Doucet], clerk of the kitchen, had been ringleaders, but had been frustrated by an unusual guard. Though Hammond did not say so, the "unusual guard" was Major Rolph, who was in readiness with a pistol to shoot the King. Both Osborne and Dowcett (or Doucet) then accused Rolph to the Peers of a design to murder the King. The Peers were by no means convinced of Rolph's innocence, and, in spite of Rolph's appeals to the Commons, ordered his arrest and indictment at the next assizes for Southampton. John Wilde presided at this trial also, which took place at Winchester on 28th August. He had been given another £1000, asserts Anthony à Wood, to procure Rolph's acquittal. So the grand jury brought in the bill of indictment "ignoramus." Osborne and Dowcett were recommitted to Peter House prison, and Rolph returned to his duties at Carisbrooke.

It was at this time, whilst the second Civil War was ending, that Parliament, in spite of their vote of "No addresses," resumed negotiations with the King, sending Commissioners to him once more. On 18th August Walker printed a letter about this:

Right Honourable. The Votes of Parliament are well received by the King; his Majesty hath had his hermit beard cut off and is now more pleasant. The Commissioners had private conference with him, but Sir Peter Killigrey was not admitted to deliver letters from the Duke of York [*sic*, Gloucester], and the Lady Elizabeth, his Majesty's children, because the Governor hath no order yet from the Parliament to give way to any but what comes from them. When the Votes were reading to his Majesty by the Earl of Middlesex, a dog of the Kings, which his Majesty calls Rogue, and Major Titus his dog, snarled and fought together in the room, which causing some interruption, his Majesty said, "These dogs disturb us, but none but dogs will hinder the treaty." When the King's bushy beard was cut off, his Majesty said he had begun the Reformation. Carisbrooke, 9 August 1648.

The King had two dogs with him at this time. "Rogue" was a spaniel, but another, a greyhound, was called "Gipsy." The King is credited with saying of greyhounds that they were quite as faithful as spaniels, though they were not so demonstrative.

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Another letter printed on 29th September told of an epigram made by the King:

From the Isle of Wight come letters that the King and the Commissioners were likely to agree, and that one of his Majestys new servants had secretly broken open his Majesty's cabinet and made search, but found nothing worthy of complaint. His Majesty finding what was done, writ these lines following and laid them upon the said cabinet:

"A Pickle-thanke and a pickle-locke, both are basely evill,
The difference is this trots, that ambles to the devill."

Was the epigram an omen? Was the King to be henceforth between tale-bearers and thieves? For thus began the famous Treaty of Newport, during which the King recovered his liberty once more, but, alas, renewed his parole not to attempt to escape.

The Final Abduction of the King.

Mabbot, the licenser of the press, now began to attack both the King and the Parliament in his "The Moderate" in a series of leading articles, some of which are very lengthy. On 17th October he plainly accused the King of being a tyrant and the Parliament of breach of trust, as well as of a breach of the Solemn League and Covenant, in not bringing "delinquents to condign punishment, there being no person thereby exempted from the same." This was distinctly false, for the Covenant obliged all to protect the King's person. The tone and temper of these articles increased in bitterness week by week. "Mercurius Militaris; or, The Armies Scout," another organ of the Levellers (commenced in October), broke out into open abuse. But Parliament was too pre-occupied to take steps doomed to be futile against their licenser and his friends.

The time allotted for the Treaty at Newport in the Isle of Wight was near its end when King Charles, who was well informed about the plot against his life, then in debate in the Army, heard "that a stricter guard was to be there from the Army," wrote Henry Walker, under the date of 23rd November, 1648. Walker went on to add that the King then "absented himself and was missing half a day, at last appeared, went to the Governor (Colonel Hammond) and told him that the treaty is ended, saying that he had done too much already." On the 29th the Parliament's Commissioners, amongst whom were five Peers, took leave of the

⁷ "Perfect Occurrences" for 17th-24th November, 1648.

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King in order to return and report to the Houses. His Majesty then addressed the Peers as follows:

"My lords, you are come to take your leave of me and I believe we shall scarce see each other again. But God's will be done, I thank God I have made my peace with Him, and shall without fear undergo what He shall be pleased to suffer men to do unto me.

"My lords, you cannot but know that in my fall and ruin you see your own, and that also near to you. I pray God send you better friends than I have found. I am fully informed of the whole carriage of the plot against me and mine, and nothing so much afflicts me as the sense and feeling I have of the sufferings of my subjects, and the miseries that overhang three kingdoms, drawn upon them by those who, upon pretence of good, violently pursue their own private interests and ends."

"These words his Majesty delivered, with much alacrity and cheerfulness, with a serene countenance, and a carriage free from all disturbance."⁸

On 30th November the Commissioners were back in London. The King's forebodings were now justified. Hammond, the Governor, was too conscientious in the performance of his duties and was inveigled out of the island by Ireton, as he thought only temporarily, but when he arrived at Farnham, on the way to Fairfax at Windsor, was arrested, for fear lest he should obey the orders given him by Parliament and return to the island. The rest was easy. At eight o'clock in the morning of 1st December the King was removed from the island to Hurst Castle, the desolate little fort still standing at the end of a causeway two or three miles in length on the other side of the Solent, of which a man called Eyre (usually termed "Ewer") was Governor. "His beard and hair were black and bushy, he carried a partizan in his hand and, Switz-like, a great sword by his side," wrote Herbert, of this man.

Dismal as were the surroundings of this fort amid winter fogs and mists, its interior was even more dismal, candles having to be lighted at noonday in the small rooms in which the King was accommodated. In this place the sole solace the King had was to walk along the shingle of the narrow causeway at low tide. He remained a prisoner here until 19th December.

⁸ "The Perfect Weekly Account" for 29th November-6th December, 1648. This passage is usually quoted from Evelyn, but this is its source.

The Army occupies London—'Pride's Purge.'

The Army occupies London—"Pride's Purge."

In the meantime, the Army commenced its march from Windsor to London. By command of the House of Commons, the Speaker sent to Fairfax a letter forbidding the Army to approach nearer to London. But "before the receipt of this letter the Army was at Kensington, within two miles of the city of London, the next morning (2nd December), drew into Hyde Park and about 12 o'clock that day, after a rendezvous there, advanced to Westminster, Whitehall being made the headquarters, and the whole Army quartered there and in the Mews (Trafalgar Square), Suffolk House, and elsewhere in Westminster."

The disposition of two of the regiments is worth attention in view of what followed. The regiment of Colonel Hewson was quartered in the Royal Palace of Whitehall, and consisted of the fiercest fanatics in the Army—the men who were to be the butchers of Drogheda nine months later on. That of Colonel Pride, who had commenced life as a drayman to Robert Triplet, an Islington brewer, who was still living, was quartered at the other Royal Palace of St. James's.¹ Hewson's Lieut.-Colonel was Daniel Axtell.

"What! Do you long yet for a King?" shouted the soldiers to the sullen people, whose attitude had quite altered from what it had been in 1642. "Be content. You shall have one of clouts, rather than want one." And thus began a military occupation of London which only ended with the Restoration of 1660.

But, even then, the Houses of Parliament were only partly overawed. At the end of the great debate of 4th and 5th December, after fruitless attempts to interview the Council of Officers at Whitehall, Parliament came to a decision about the negotiations with the King. Two hundred and forty-four members stayed to the end of that debate, and in the morning of Tuesday, 5th December, voted by 140 to 104 that the King's answers to the propositions made to him at Newport were satisfactory. The House then adjourned until the next day, Wednesday, the 6th.

⁹ "The Moderate" for 28th November-5th December, 1648.

¹ References to Triplet are frequent in the Royalist "*Mercuries*" of 1649. In February, 1650, three men were punished for counterfeiting Pride's "mark" to warrants. See the "*Man in the Moon*" for 20th-27th February, 1650. Pride's biography was given in "*Mercurius Elencticus*" for 27th August-3rd September, 1649, E. 572 (15).

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Early in the morning of the next day, the 6th, Pride's regiment marched down to the House of Commons, dismissed the city trained bands that guarded the Houses and took their places. With Pride came Lord Grey of Groby (a member of the House of Commons), and in the background hovered Hugh Peters. When the members arrived to take their seats, Pride, who had in his hands a list of those to be excluded, interpreted to him by Lord Grey of Groby, forcibly prevented above 240 members from entering the House, and confined 39 of the most influential among them in a tavern in Palace Yard called Hell. Here these members remained without beds for the night of the 6th, but on the following day, the 7th, were removed to the Swan and the King's Head, inns in the Strand near Charing Cross. Not more than 45 or 50 members were allowed to enter the House of Commons.² When the excluded members demanded by what authority they had been arrested, Peters, who had "a great sword by his side," replied, "By the power of the sword." It was afterwards noticed, as a curious coincidence, that the name of the officer under whose charge the members were imprisoned in Hell was Devill.

An epidemic of preaching then set in at once. The remnant of the House of Commons started it by ordering three ministers—Marshall, Caryll, and Peters—to preach to them in the House itself on the following day.

On the same day that the three ministers were preaching to the House of Commons, Friday, 8th December, two more regiments and some troops of horse marched into the city of London, seized the Parliamentary treasure at Goldsmith Hall and Weavers' Hall, netting about £35,000, which they removed in five carts to Whitehall. They then took up their quarters in St. Paul's and in Blackfriars, two more regiments of horse and one of foot parading the city all that day in order to overawe the citizens. From this day right up to the Restoration in 1660 the nave of old St. Paul's was used as a barracks.

Before quoting from the unlicensed Royalist "Mercuries," attention ought to be drawn to the fact that "Mercurius

² "The Substance of a Speech made . . . by William Prynne . . . on Monday Dec. 5 . . ." with "an Appendix for the better satisfaction of some occurrences since this Speech." The names of the members allowed to sit on 12th and 13th December, 72 in all, are set out in "Mercurius Pragmaticus" for 12th-19th December, 1648, E. 476 (35). One of the members intended to be excluded was Sir Henry Vane, who, nevertheless, stole in unnoticed upon 20th January, 1649, and sat upon that day ("The Moderate" for 16th-23rd January, 1649).

The Army occupies London—'Pride's Purge.'

Melancholicus " was written by John Hackluyt, D.D., the disreputable chaplain of Major-General Massey, occasionally by John Crouch, a printer, and most of all by Martin Parker, the ballad writer. "*Pragmaticus*," throughout 1648, was written by Marchamont Nedham, who was caught and imprisoned in January. "*Elencticus* " was the work of Sir George Wharton, and, when he was in prison, of the little-known minor poet, Samuel Sheppard. All three of these "Grand Mercuries" contrived to appear, in broken fashion, after the Army had occupied London, but were stamped out temporarily by the soldiers before the King's trial in the middle of January—just at the very time when we should most wish to know what their writers would have said.³

Martin Parker, nevertheless, succeeded in producing a number of his "*Mercurius Melancholicus* " on New Year's Day and commenced it with a lament over St. Paul's:

"I have heard of a saying, no less true than wittie, sometime spoken in Star Chamber, at the tryall of those patrons of sedition, Burton, Prin and Bastwick, by that glorious martyr of blessed memorie, William Laud, late Lord Archbishop of Canturburie. Which was that those then delinquents wounded the King through the bishops sides. And to that height of impietie are their worse than heathenish disciples growne, that we may straine our note one degree higher, and say, that through the sides of our King, they wound the King of Kings. Before I come to intelligence, I cannot pass by the holy church of Saint Paul without a teare. I could not but weep over Whitehall, when I beheld the Royall Mansion of our most gracious soveraigne made a cage of unclean birds, but when I beheld Pauls, the Royall Palace of the King of Kings, the Presence Chamber of the Living God and his declared House of Prayer, turned into a den of theeves, I could not but wish myselfe dissolved into teares, that I might wash away the pollution thereof. What eye can behold that dismal spectacle and not melt into tears? What eare can entertaine that newes without astonishment? What heart can apprehend it and not tremble? That Holy Place wherein God was daily worshipped, He is now therein blasphemed. Wherein sinne was corrected, it is now cherished. Where lust was condemned it is now

³ Fairfax's "warrant" against the press (an exceedingly valuable document in journalistic history, from the (city) Act and Ordinances set out at the end of it) is dated 9th January, and is Thomason Tract E. 538 (1). The arrest of "*Pragmaticus*" and another "*Mercury*" writer was recorded by Walker in his "*Perfect Occurrences*" for 18th-25th January, 1649.

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acted. The Church is now turned into a stable; the House of Prayer into a house of prophanesse; the place of instruction into a place of destruction; the Holy Altar is now become a Ryotous table; the Holy Vestiments, wherein the Reverend priests did offer the sacrifice of Righteousnesse are sanctified to beastly lust by the sonnes of Baal. The money changers, which our Saviour whipt out of the Temple, imployed the Temple to a holy use in comparison of these infidels, for they converted that only to their profit; these, this, to both profit and pleasure, for they have turned it into an ale-house, a barbers shop, a Smiths forge, a scullery and, I blush to think of it, into a bawdy house."

In the meantime the London ministers began to preach against the Army, and would not provide Peters with a pulpit. So, on Sunday, 13th December, Peters preached in the courtyard at Whitehall (i.e., on the eastern side of the Banqueting House), "where the bishops were wont to preach before the King, and many people flocked from the cities of London and Westminster and had free liberty to come in and hear him."⁴

When the proceedings against the King first began to be discussed in the House of Commons, more members absented themselves. Marchamont Nedham stated that on "Wednesday, Dec. 20 the House was made up to the number of 43, but 3 above the due number, for it cannot be a House under 40, which they have much ado to procure every day." Nedham goes on to say that upon one day of the previous week Pride had admitted some excluded members, at the Speaker's request, in order that there might be a quorum, and winds up, "See here, O ye Commons of England, what a House ye have to govern you!"⁵

In a noteworthy passage Nedham added:

"Give me leave to jest a little, because I perceive few are in earnest, unless it be half a dozen calves heads in council that say they will cut off the Kings head. Doth not Oliver and the rest of the Grandees, think you, that set them on work laugh in their sleeves at these nasty Levellers and their remonstrance? Yea, and when time serves will kick them off both together; and his own reason must needs prompt him to shield that sacred head, without which there can be no ease, health, nor safety to the members. . . . Lastly, consider that the Levellers aim at being

⁴ "A Declaration," &c., No. 3, for 13th-20th December, 1648.

⁵ "Mercurius Pragmaticus" for 19th-26th December, 1648, E. 477 (30).

The Army occupies London—'Pride's Purge.'

pure democracy, or, government by the many headed rabble, and the design of Oliver and his grantees for an oligarchy in the hand of himself and these few, that is a government by States [like those of Holland]. It is probable that to secure themselves the better they will bring in the King for a share with them, as a Duke of Venice or some such thing, because by such a settlement as this (if they can work the King to it) they doubt not to keep the Royal party quiet, as persons at the Kings back, utterly banish the Scottish and Presbyterian interest, which is hated by the Royalists as well as themselves. And as for the Levellers, their principles being detestable to all, they must needs fall of themselves. And then, as the new song says, 'Who but Oliver? O brave Oliver, O rare Oliver. Dainty fine Oliver O.' This is the design, but whether he and his accomplices can effect it is yet in the clouds. So God save the King howsoever."⁶

The King at Windsor.

Early in the morning of 19th December the King was removed from Hurst Castle by Lieutenant-Colonel Cobbett, and rode on horseback to Winchester, where he was greeted with the customary homage by the Mayor and Corporation, who were afterwards rebuked for their courtesy. On that night the King slept at Winchester, but on the night of the 20th at Farnham in a private house, and not at the Bishop of Winchester's palace. Here he was met by Colonel Harrison, who had been appointed to conduct His Majesty to Windsor. The next stage of the King's journey was to Lord Newburgh's house, "The Lodge," at Bagshot, where a plan for the King's escape had been made, but failed. The King arrived at Windsor on 23rd December, and in a riot which followed, owing to the resentment of the townspeople at the manner in which the Army was treating the King, some civilians were killed by the soldiers. As the King entered the castle he was met by the Duke of Hamilton, soon to share his fate. The Duke knelt down, "and, with a transport of humble sorrow, kissed his hand, and had only time to say 'My dear Master.' The King embraced him very kindly and said,

⁶ The song of "O brave Oliver," which never was printed, will be found set out by Thomason in vol. E. 548 of his Tracts, in which it is No. 18.

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'I have been so indeed to you,' but they were parted and suffered to have no discourse." At Windsor, however, the King at first received a greater measure of liberty, and was treated with the customary usages of respect. He was served "on the knee," the "say" was given, and the Court officials attended him as usual.

The day before the King arrived at Windsor, on Friday, 22nd December, the remnant of the House of Commons held a "fast" in St. Margaret's, Westminster, at which Hugh Peters officiated. One guest on this occasion was that strange person, the Elector Palatine, son of the former King of Bohemia, Charles Louis, elder brother of Prince Rupert and nephew of Charles I., who, like his brothers, Rupert and Maurice, was an exile in England, though the Palatinate had been restored to him this year. Unlike his brothers, however, he had rallied to the cause of the Parliament and taken the Covenant. His conduct in attending this fast justifies a suspicion that he aspired to play the same part as William of Orange in the Revolution of 1688, and thought that, if Charles I. were deposed, he might perhaps fill the throne. No notice was taken of him, however, other than the contemptuous reference to him by Nedham in the following account of the "fast":

"The things called Lords were but 4 by name, Pembroke, Nottingham (that lives on the State's almbasket), Denbigh and Mulgrave, the copy of Herbert Morley, and to grace the show the Prince Elector's Grace sat, picking his nose, whilst Hugh Peters played the buffoon in the pulpit, before the 4 lords and 20 commons. The subject of Hugh's sermon was Moses leading the Israelites out of Egypt, which he applied to the present leaders of the Army, whose design is, he said, to lead the people out of Egyptian bondage. 'But how must this be done?' 'That ye shall know by and by,' quoth Hugh. And then clasping his hands before his eyes and leaning his noddle upon the cushion, he lay in a brown study for half a quarter of an hour. Then starting up on a sudden. 'Now!' says he, 'I'll tell you, and I'll tell you no more than what hath been revealed to me. There is no way for us to get out of Egypt than by rooting up monarchy, and this, I say, not only here, but in France and the other kingdoms about us, the Lord having a great work to finish throughout Christendom and this Army are they that must do it . . .'

Pembroke gave him a thanksgiving for his mock sermon. Satur-

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day, Dec. 23. Which kind salutation gave Hugh Peters an occasion to goe this day and salute his lordship at his own house (Baynards Castle) where being come about dinner time he said to him, ' My lord, I am come to visit you and I intend to dine with you, and because you should not want good company I have brought one of the seven deadly sins along with me, Colonel Pride, and have brought the devil too, Colonel Dragon, two such pure saints that when my soule departs this world I desire it may have the happiness to sit between these two. And truly I am so great a lover of you that I wish your lordship may be there too for company.' Both his lordship and the Colonels took the knavish abuse very kindly."7

An "Ordinance" for the Trial of the King Rejected.

Christmas Day came, and was celebrated in the House of Commons by the members there appointing a Committee to consider " how to proceed in a way of justice against the King," and the New Year was inaugurated by an " ordinance " setting up a Court to try His Majesty. During the Civil Wars the legislative enactments of the two Houses had been termed " ordinances," because they lacked the King's consent, and, therefore, were not Acts of Parliament, and this remarkable " ordinance," the full details of which are only to be seen in Henry Walker's " Perfect Occurrences " for 29th December-5th January, 1648-9, followed this precedent.

The judges appointed by this ordinance were the Lord Chief Justice, Rolls, Chief Justice of England, Justice St. John, Lord Chief Justice of the Common Pleas, and the Lord Chief Baron Wilde. Commissioners were added who were to sit as a picked jury, and numbered 150 in all. Six Peers headed the list of names set out by Walker, Lords Denbigh (Speaker of the House of Lords), Pembroke, Kent, Mulgrave, Nottingham, and Lord Grey of Wark. Then followed nearly all the members remaining in the House of Commons, a number of officers of the Army, six aldermen, and other members of the city Corporation.

Directly this ordinance was brought in, Henry Elsing, clerk to the House of Commons, resigned in disgust, and John Phelps was appointed clerk in Elsing's place. Two of the three Chief

7 " Mercurius Pragmaticus " for 19th-26th December, 1648.

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Justices thus appointed to preside at the trial of the sovereign whose representatives they were have not hitherto been mentioned. Henry Rolls, Lord Chief Justice of the King's Bench, appointed by the Long Parliament, November, 1648, was, of course, a strong Parliamentarian, but has no stain upon his career. He died in 1656. Oliver St. John, Lord Chief Justice of the Common Pleas, appointed in October, 1648, had long been identified with the Parliament, and was obnoxious at the Restoration because he was a great opponent of the Royal Prerogative. No proceedings were taken against him, and he died in exile in 1673. All three, of course, had taken the oath of allegiance.

When this ordinance was sent up to the House of Lords, a larger number of Peers than usual attended, and summoned the judges to sit with them. On this occasion fifteen Peers were present, and received the ordinance with the greatest indignation. The Speaker, Lord Denbigh, said that he would be "torn in pieces" before he consented to such a Court. The three Chief Justices agreed in pronouncing the course proposed hopelessly illegal, and added that they also would have nothing to do with it. The ordinance was then unanimously rejected, and, further to mark their displeasure, the Lords adjourned for ten days and cast it aside without returning it to the Commons, who had to make inquiries in order to find out what had become of it.

A comic interlude then took place. In spite of the Parliamentary ordinances against stage plays and the observance of Christmas, people were still in the habit of merrymaking, and the London theatres had stealthily reopened. The soldiers made an onslaught upon the theatres on New Year's Day, and the account given of their proceedings by the strongly Presbyterian writer of the "Kingdom Weekly Intelligencer" is very curious. This writer states that:

"The soldiers seized on the players on their stages at Drury Lane and at Salisbury Court. They also went to the Fortune in Golden Lane, but they found none there but John Pudding dancing on the ropes, whom they took along with them. In the meantime the Players at the Red Bull, who had notice of it, made haste away and were all gone before they came, and took away all their acting clothes with them. But at Salisbury Court they were taken on the stage, the play being almost ended, and with many links and lighted torches they were carried to Whitehall with their players clothes upon their backs. In the way they often took the crown

An "Ordinance" Rejected.

from his head who acted the king, and in sport would oftentimes put it on again. Abraham had a back sattin gown on, and before he came into the dirt, he was very neat in his white faced pumps.

"The people, not expecting such a pageant, looked and laughed at all the rest and not knowing who he was, asked what had that lady done. They made some resistance at the Cockpit in Drury Lane, which was the occasion that they were bereaved of their apparell and were not so well used as those in Salisbury Court, who were more patient and therefore at their releasement they had their clothes returned to them without the least diminution. After two days confinement, they were ordered to put in bail and to appear before the Lord Mayor to answer for what they have done, according to law."

Christmas at Windsor had passed very solemnly. The London tailors had seen to it that the King should be provided with a large quantity of new clothes, but, noted Henry Walker, the cook disappointed him of "minc'd pye" and the predecessor of plum pudding—"plum porridge." There were no Episcopal chaplains in attendance, so the King himself officiated, put on his best clothes, and read the service appointed for the day in the Book of Common Prayer to those around him. Two days later came an order from the Army that all the ceremonies of State were to end, the King was no longer to be served on the knee, the say was stopped, and most of his attendants were to be dismissed. After this the King dined in his own room, reducing the number of dishes served. He passed much of his time in reading the Bible, and "Shakespeare's and Ben Jonson's plays," according to Henry Walker.

It is probably after the rejection of the ordinance for the King's trial that Peters again preached to the remnant of the House of Commons, the "Army Parliament," as it was sometimes termed, in St. Margaret's, Westminster.

A Mr. Beaver swore, at Peters's trial in 1660, that he managed to get into St. Margaret's near the Speaker's pew and heard part of this sermon. "I guessed," said he, "that his text was that passage wherein the Jews did desire the release of Barabbas and crucifying of Christ. And so it proved. The first thing I heard him say was, 'It is a very sad thing that this should be a question among us, as amongst the old Jews, whether our Saviour Jesus Christ must be crucified or that Barabbas should be released, the oppressor of the people. O Jesus,' saith he, 'where are we

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that that should be a question among us,' saith he, 'and because that you should think, my lords and gentlemen, that it is a question, I will tell you it is a question. I have been in the City, which may very well be compared to Hierusalem in this conjuncture of time, and I profess those foolish citizens, for a little trading and profit they will have Christ (pointing to the redcoats on the pulpit stairs) crucified, and this great Barabbas at Windsor released,' says he. 'But I do not much heed what the rabble says. I hope,' says he, 'that my brethren of the clergy will be wiser, the lips of the priests do use to preserve knowledge. I have been with them too in the assembly, and having seen and heard what they have said, I perceive they are for crucifying of Christ and releasing of Barabbas. O Jesus, what shall we do now,' with such like strange expressions and shrugging of shoulders in the pulpit."

Peters continued: "Do not prefer the great Barabbas, murderer, tyrant and traitor before these poor hearts," pointing to the redcoats, and went on thus "for two or three hours" (1).⁸

An "Act" for the Trial of the King.

On 6th January the handful of members left in the House of Commons passed another enactment, this time styling it an "Act," for they had decided to do without King or Lords, or even the majority of the House of Commons, and to be a Parliament in themselves. Forty-six members sat in the House when this "Act" was brought in, and passed it by the narrow majority of 26 to 20.⁹ This fact alone is sufficient to dispose of the claim of the "High Court of Justice" set up by them that it, or they, in any sense represented the people of England. By this "Act" the jury of 150, now reduced to 135 in number by the elimination of the names of all the Peers and others who, it was certain, would have nothing to do with the proceedings, were constituted the judges, in place of the three Chief Justices, and a little-known lawyer of Gray's Inn, John Bradshawe, was added, with the obvious intention that he should preside. Bradshawe was not a member of the House of Commons, nor was he ever at any time taken into the counsels

⁸ "Exact and most impartial accompt," &c., pp. 165-6.

⁹ "Exact and most impartial accompt," p. 67 and p. 89. Sir Orlando Bridgeman said, "He that doth a command by such an authority, it is his guilt."



John Bradshawe

(From an engraving in the British Museum).

An "Act" for the Trial of the King.

of those who employed him, but he had been appointed to the Chief Justiceship of Chester in February, 1647, a position very much akin to that of a stipendiary magistrate in our times. In October, 1648, he became a serjeant-at-law. The reason for his selection as President was his violent denunciation of the King in a three hours' speech delivered to the jury at Chester in the previous June. He then declared that, "This man, who calls himself King, is more cruel than Nero."¹

On the same day the House ordered that the 135 Commissioners should meet at two o'clock upon the following Monday, 8th January, in the Painted Chamber, in order to settle their procedure. But 53 only of the nominated Commissioners attended on that day, amongst whom was Fairfax, who refused to have anything more to do with the proceedings when he found out their object. He himself stated in later years that he never gave his "free consent to anything" that the Council of Officers had done in his name. "But," he adds, "being yet undischarged of my place, they set my name in a way of course, to all their papers, whether I consented or not."²

Having informed themselves of the terms of their commission, the Commissioners first proceeded to select their employees. Their proceedings at their various meetings resembled nothing so much as the meetings of stage managers and actors in consultation about the accessories to a drama they were about to produce. Parts were assigned one by one. One Dendy, not a man of good reputation, was appointed their serjeant-at-arms on the 8th, and ordered to make a proclamation in Westminster Hall the next day, the 9th, between nine and eleven, to the effect that they would meet again in the Painted Chamber on Wednesday, the 10th, at one.

Next, the Commissioners chose their other officers. First came the counsel to prosecute the King. These were four in number, William Steele of Gray's Inn, who at once sent word that he was ill and escaped this task; one Aske; Isaac Dorislaus, a Dutchman by birth, who had been appointed a judge of the Court of Admiralty by the Parliament in the previous April; and last and most important, John Cook of Gray's Inn. There were five John Cooks of Gray's Inn at this time, so that it is a little difficult

¹ "Mercurius Elencticus" for 21st-28th June, 1648, E. 450 (2), and for 6th-13th February, 1649, E. 542 (13).

² "Short Memorials," printed in the "Antiquarian Repertory" (1808), iii., 1-31.

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to identify him, but since another barrister of Gray's Inn (a Mr. Starkey, whose Christian name was not given, but was either Ralph, admitted 1632, or George, admitted 1633) gave evidence at Cook's trial in 1660, and said that he was Cook's pupil when first he came to Gray's Inn, John Cook was probably the John Cook of Westminster admitted to Gray's Inn on 25th December, 1594. We are indebted for his biography to "*Mercurius Elencticus*," in which it is stated that this fellow was commonly called "White Cook," to distinguish him from the other Cooks of Gray's Inn, and that he had entrapped the daughter of one Baldwin of Baldwin's Gardens, near Gray's Inn, into a contract of marriage, sued a man she married on behalf of the person with whom he had entrapped her, and, on receiving a sum to stay proceedings, absconded to Ireland with it. There he was employed by Strafford to edit the Irish statutes for the printer, and absconded to Italy with the money given him for the purpose.³ Whether all this is true or not, Cook did not venture to return to England until after Strafford had been beheaded. The evidence at Cook's trial in 1660 went to show that he had been "accused for debt," so that there was something in all this, but in any case Cook's subsequent career in Ireland proved that he was not an honest man.

At ten o'clock on Tuesday, 9th January, accordingly, a remarkable scene took place. Edward Dendy, accompanied by six trumpets and a guard of two troops of horse, rode on horseback, bearing his mace, into the middle of Westminster Hall, whilst the Court of Chancery was sitting. The trumpets sounded, a number of drums also beating in Palace Yard to add to the din, and then he made the proclamation ordered. The remnant of the Commons in session at the time was so pleased by this performance that it there and then ordered him to repeat it at the Old Exchange and in Cheapside. So Dendy proceeded to do this at these two places about twelve o'clock of the same day. The spectators offered him no insult or injury.

The next day, Wednesday, 10th January, 45 of the Commissioners met again in the Painted Chamber. They appointed the ushers for their Court, Edward Walford and one Vowell, and added another man, Litchman, to their staff of messengers.

Their next proceeding was to elect a President. In his

³ A lengthy biography of Cook appears in "*Mercurius Elencticus*" for 6th-13th February, 1649, E. 542 (13). Cook and Axtell later on joined to swindle Lord Mountgarret out of his Irish estates. See the Irish Calendars of State Papers, *passim*.

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absence, John Bradshawe, who was in the country, was selected, and William Say ordered to take his place until his return. Mr. Greaves, like a good many other people, having found that he would be unable to act as clerk on account of the "great and important employment" that lay upon him, was excused the office, and Andrew Broughton appointed in his place, to act with John Phelps, the new clerk to the Commons. John King was also appointed crier, and when this had been done the doors of the Painted Chamber were opened to admit the public, and after three proclamations made by the crier, the list of Commissioners was called and summonses ordered to be sent to those absent.

The Commissioners then adjourned to Friday, the 12th. On that day Bradshawe appeared and "made an earnest apology for himself to be excused." Really he intended to magnify an office with which he must have been delighted, and, naturally, he was not excused, but was voted the title of "Lord President." To this also he objected for form's sake, and was again overruled. Sub-committees were then appointed to arrange the conduct of the trial and for other matters, and the Commissioners then adjourned to the next day at two o'clock. Thirty-eight were then present, when for the first time the Republican, Algernon Sidney, attended, no doubt to satisfy his curiosity. The Commissioners then decided that the King should be tried at the (south) end of Westminster Hall, where the Courts of King's Bench and Chancery then sat, the partitions between which Courts were to be taken down. They then adjourned to Monday, the 15th, at two o'clock.

On the 15th the members attending increased, 58 being present, and the draft of a charge against the King was presented. They then adjourned to Wednesday, the 17th.

The London Ministers and Hugh Peters.

In the meantime the parish ministers of London were meeting in conference, and were not idle, for they had determined to issue a public protest against the proceedings about to be taken. In the last number of his "Mercurius Pragmaticus," Nedham (who was caught and imprisoned within a few days) drew attention to the attempts made to browbeat the clergy, who were all Presbyterians to a man, into silence. Nedham wrote:

"Cromwell, Ireton and Peters made it their business this

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weeke again to compass the city and visit the ministers with threats. But Peters played a rare prank, carried a file of musketeers to the house of one minister named Mr. Cawley, where he found him conversing with some divines, and summoned him pretendedly before the General on purpose to fright him. But whilst Peters entered the lists to wrangle with the Rabbis, downstairs slip't Mr. Cawley and hastened to the General to know his pleasure. Whereupon the General said Peters was a knave and had no command from him. And when Hugh returned he was check'd, but defended by Cromwell and Ireton that set him on work to abuse his Excellency, whom they make but a meer stalking horse for their designs, and in effect but Deputy-General, upon courtesie, to carry on their present proceedings."⁴

But the result of the ministers' deliberations was made known in a long letter of protest to Fairfax, dated 17th January, and printed and published on 20th January under the licence of the ecclesiastical censor, the Rev. James Cranford. In their letter the ministers said that applications had been made to them both verbally and in writing to meet with the officers of the Army, and that they held it their duty to refuse any such meeting, and therefore proceeded to give their reasons for their refusal.

Some ministers, said they, Marshall, Calamy, Whitaker, Sedgwick, and Ash, had already protested against the Army's proceedings, and for the ministers to have joined in the Army's "unwarrantable courses" would have made them accessories to the Army, "guilty of the evil which is in them and even partakers of other men's sins." In the course of a strongly worded protest against the imprisonment and exclusion of the majority of the House of Commons and the seizure of the King, they drew attention to the resolutions of 1641 against the seizure of members, and admonished the Army to return to its duty. In doing this they said, "We shall not need to fear the threatenings which some few of us have received, we say not from your selves, yet from messengers directed immediately from yourselves," printing Peters's name in the margin. These threats were that if the "soldiers do us a mischief we may thank ourselves. That if there follow another war, you will give quarter to none that stands

⁴ "Mercurius Pragmaticus" for 26th December-9th January, 1649, E. 537 (20). The "Pragmaticus" of 1649, recommenced at the end of January, does not seem to have been written by Nedham, and had many counterfeits.

The London Ministers and Hugh Peters.

against you. That you will spare neither man, woman nor child, English nor stranger." Some of them had been told by Peters "that if we put ourselves upon suffering we shall have suffering enough." Yet they added, "We know that the God whom we serve is able to deliver us. To Whom, in the discharge of our duty, we commit the keeping of our souls, as to a faithful Creator."

Forty-seven parish ministers, including men so well remembered as Gataker, Case, Janeway, Manton, Gouge, and Cranford himself, appended their names to this manifesto. Fairfax's warrant against the press, however, had been temporarily successful, so that for two or three weeks the Royalist "Mercuries" were unable to appear, and thus there is no record of the subsequent proceedings against the London ministers.

To return to the preliminary meetings of the so-called High Court of Justice.

On Wednesday, the 17th, at eight o'clock, 56 members attended in the Exchequer Chamber, and, dissatisfied with the small attendance, ordered the clerks to issue warrants to those who had not attended, commanding them to appear; the serjeant-at-arms, Dendy, was also to summon all those residing within twenty miles of London. A variety of lesser orders about the forthcoming Court were then made. Bradshawe was to lodge at Sir Abraham Williams's house in Palace Yard, and provisions to be provided for him. A sword and a mace were to be carried before him, the heralds were to be consulted about dresses for their officers, bars and rails were to be made in Westminster Hall, and so forth. All this took up so much time that they were compelled to adjourn once again to three o'clock of the same day in order to allow members to dine. When they met again the charge was once more considered, and Harrison distinguished himself. A Mr. James Nutley gave evidence against Harrison at the latter's trial in 1660, and then said that he had been present. "I do remember well," said he, "it was in the evening, they were lighting of candles, they were somewhat private. This gentleman (Harrison) was there, I saw him, for through the kindness of Mr. Phelps, who was then clerk to that Committee, I was admitted, pretending first to speak with the said Mr. Phelps and that I had some business with him. And so (as I said before) I was admitted to the Committee-chamber. Being there I did observe some passages from the prisoner at the bar; the words were to this purpose. He was making a narrative of some discourses that passed

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between his late Majesty and himself, in coming between Windsor and London, or Hurst Castle, I know not well whether. The reason and end of their meeting together at that Committee was concerning the charge. So much I observed. It was concerning the contracting of the impeachment. I observed that some found fault with the length of that as it was drawn. They were offering some reasons to contract it and I heard the prisoner at the bar (Harrison) vent this expression, 'Gentlemen, it will be good for us to blacken him what we can. Pray let us blacken him,' or words to that purpose, I am sure 'blacken' was his word."

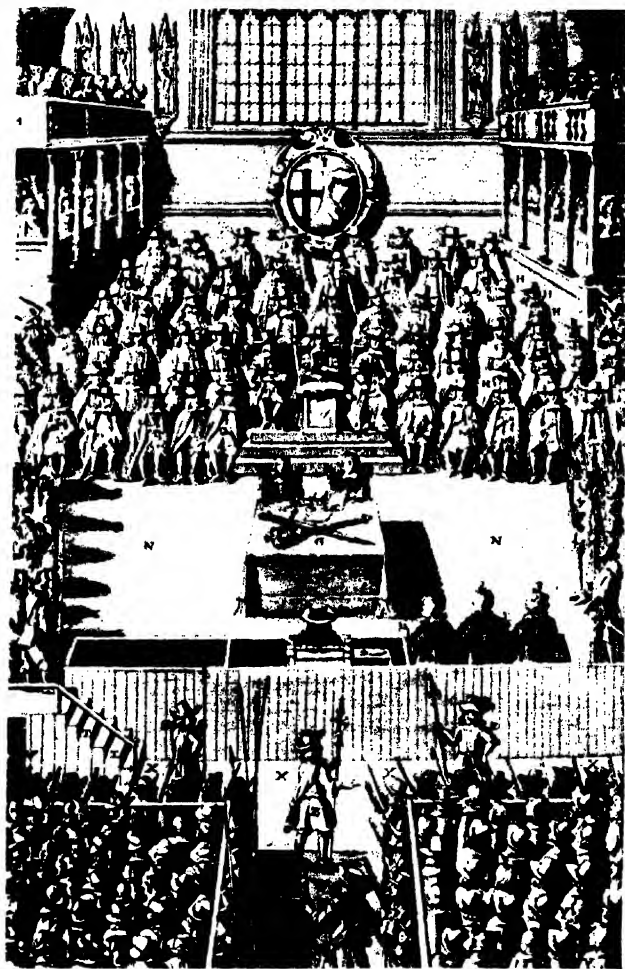
After another adjournment to the next day, the 18th, only 37 of the Commissioners attended, in spite of the summonses issued. The business of this day was to receive the news that Steele was sick in bed. The Committee then adjourned to Friday, the 19th, when only 48 members attended out of the 135 summoned. But one of those summoned did attend, for the second and last time, and this was Algernon Sidney, who has left a record of what he himself said. Writing to his father, the Earl of Leicester, Sidney said:

"I did positively oppose Cromwell, Bradshawe, and others who would have the trial to go on, and drew my reasons from these two points. First, the King could not be tried by no court, secondly that no man could be tried by that court. This being alleged in vain, and Cromwell using these formal words, 'I tell you we will cut off his head with the crown on it,' I replied, 'You may take your own course, I cannot stop you, but I will keep myself clear from having any hand in this business,' immediately went out of the room, and never returned."⁵

The charge against the King was again considered and amended on this day, no doubt by striking out the additional accusations against the King made in Cook's intended speech (set out in Appendix C).

On the 19th the King was brought to St. James's. All the way from Windsor on the road to St. James's Peters rode on horseback before the King's coach and six, "like bishop almoner, triumphing." Some distance out of town a Mr. Proctor put off his hat to the King, and the King returned his salute. When the troopers saw this, they threw poor Proctor into the ditch, horse and all, and he was glad to escape thus.

⁵ "Sidney Papers," ed. R. W. Blencowe, p. 237.



The trial of the King

(From Dr. John Nalson's "Journal of the High Court of Justice," published in 1681).

SECTION II.

THE TRIAL.

The First Day's Trial, 20th January, 1649.

Lady Fairfax and Lady de Lille Protest.

WESTMINSTER HALL at this time was full of a number of stalls tenanted by various tradespeople, and was also occupied by the Courts of Law ranged down one side in the open hall. Here at this time was the stall of old Mrs. Breach, who sold books and pamphlets in the hall throughout the greater part of the seventeenth century. What stories she could have told of the stirring scenes she must have witnessed, if only some one had written her memoirs. Here also was the stall of Samuel Pecke, the scrivener, who in the intervals of engrossing deeds and other legal documents found time to copy out the speeches of members of Parliament, now amongst the most precious records of the times preceding the Civil Wars. Here, too, Pecke wrote the first English newspaper of domestic news in 1641, and here, doubtless, he was writing and selling his "Perfect Diurnall" during the times I am describing. The colours taken from the King at Naseby hung round the hall, and in it many innocent victims have been condemned. Fisher and More head the list, Strafford followed (Charles I. must have remembered that), and the last public trial in the hall was to be that of Henry Dundas, Viscount Melville, who was acquitted of high crimes and misdemeanours in 1806.

To this hall the King was brought by a roundabout route. About two o'clock he came under a strong guard from St. James's to Whitehall, where his own barge was waiting for him at the water stairs. Reports had been circulated that the King would pass that way, so that many boats containing spectators had assembled on the river. "Huzzas" for His Majesty, therefore, were raised as the King seated himself "in the closet of his barge,"¹ his attendants and some soldiers being without, the

¹ The British cheer, or 'hurrah,' was the invention of the eighteenth century.

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waterman rowing bareheaded and the rest being covered. Then the King's barge, preceded by another barge laden with musketeers, and followed by one with a guard of "partizadoes," all being under the command of Colonel Hacker, proceeded to the house of Sir Robert Cotton, the famous antiquary, by the side of Westminster Hall. This house was then occupied by his son, Sir Robert having died in 1631.

Meanwhile the Commissioners constituting the "High Court of Justice," nominated by the 26 members of the House of Commons, met again in the Painted Chamber, in order to agree about what was to be said to the King when he appeared before them in Westminster Hall. The record of their decisions of course gives no indication of what was said at their debates, but a lucky accident enabled an unseen and unfriendly witness to overhear them. Sir Purback Temple, with the idea of forming a plan for the King's escape, had bribed the custodian of the Painted Chamber to secrete him in a hole in the wall behind the hangings, and this is the remarkable story he told at the trial of the regicide Marten in 1660.

"When they (the Commissioners) had finished their prayer," says Sir Purback, "came news that the King was landing at Sir Robert Cotton's house, at which Cromwell ran to the window, looking on the King as he came up the garden. He turned as white as the wall, he speaks to Bradshawe and Sir Henry Mildmay how they and Sir William Brereton had concluded on such a business, then turning to the board said thus, 'My masters, he is come, he is come, and now we are doing that great work that the nation will be full of. Therefore I desire you to let us resolve here what answer we shall give the King when he comes before us, for the first question he will ask us will be by what authority and commission we do try him.' To which none answered presently. Then, after a little space, Hen. Marten . . . rose up and said, 'In the name of the Commons in Parliament assembled and all the good people of England.' Which none contradicted. . . . When they came to the court in Westminster Hall, I heard the King ask them the very same question that Cromwell had said to them."²

According to the journal, there were two meetings in the

² "Exact and most impartial accompt" of the trials of 29 regicides, p. 248 (Marten's trial). Anthony à Wood states that the speeches in this report were taken down by Heneage Finch, afterwards Earl of Winchelsea.

The Trial.

Painted Chamber prior to the proceedings in Westminster Hall, the first at nine o'clock, when it was decided to send for the Sword of State and to have it borne before Bradshawe, and a message from the House of Commons was received to the effect that the House "wanted their members that were of that court." Whereupon the Commissioners adjourned till twelve o'clock. The second meeting decided that "in case the prisoner shall in language or carriage towards the court be insolent, outrageous or contemptuous, that it be left to the lord president to reprehend him therefore and admonish him of his duty (1) or to command the taking away of the prisoner and, if he see cause, to withdraw or adjourn the court. But as to the prisoner's putting off his hat, the court will not insist upon it for this day, and that if the King desire time to answer, the lord president is to give him time."

These questions settled, all then marched in procession from the Painted Chamber into Westminster Hall. First came Colonel Fox at the head of twenty men-at-arms with half pikes brought from the Tower. Then followed the messengers, ushers, and crier, all bareheaded. After these followed Colonel Humphreys, bearing the Sword, and Dendy, carrying the Mace. Bradshawe came next, clad in "a black tufted gown," borne up by a train-bearer, and after him the other members of the Commission in their ordinary dress. Fox was an unfortunate selection, for he was invariably termed "that rogue Fox" by the Royalists, had been a tinker by trade, and was quite illiterate, so much so that his letters were written for him by a German secretary.³

In the hall the galleries were full of spectators, but, apart from privileged persons, only soldiers were present in the hall itself. Lady Fairfax sat in Bodurdo's gallery—a gallery communicating with Bodurdo's house at the side of the hall. Bradshawe wore the bullet-proof hat lined with sheet iron, still to be seen at Oxford, and the others also kept on their hats. Hewson's men, under the command of his Lieut.-Colonel, Daniel Axtell, for Hewson himself sat on the bench as a judge, were in possession of the body of the hall.

When all had seated themselves and the Sword and Mace had been placed upon the table in front of the clerks, King, the crier, made a proclamation for silence.

³ "Life and Diary of Sir William Dugdale," p. 66.
land's "Character of a London Diurnall."

also Cleive-

King Charles I.

" Ho Yes! Ho Yes! Ho Yes! All manner of persons that have any thing to do in this Court, come in and give your attendance.

" Ho Yes! Every man keep silence upon pain of imprisonment and hear the commission of this Court read, which is authorised by an Act of the Commons of England in Parliament

Then the " Act " constituting the Court was read, each Commissioner present answering to his name by standing up when it was called out. Fairfax's name was first in the list, and when it was called out met with an unexpected reply from Lady Fairfax. Lord Clarendon says that she cried out, " He has too much wit to be here," and Rushworth, Mabbot's old master and successor, as licenser of the press, writes: " It is to be remembered, that at this time, the Lady Fairfax, wife to the General, being above in a window, interrupted the reading of the following names of the Commissioners etc. by speaking aloud to the Court then sitting, that her husband, the Lord Fairfax was not there in person, nor ever would sit among them, and therefore they did wrong to name him as a sitting commissioner."⁵ The " Court " was compelled to pocket this rebuke in silence; but, when the list had been finished, only 68 out of the 135 Commissioners had answered to their names.

The roll call ended, Serjeant Dendy took up the Mace, intending to go and fetch the King, but was ordered to replace it, and twelve of the men with partizans were sent instead, to Sir Robert Cotton's house. The King was clad in a dark cloth suit and the cloak, with which we are familiar in all his pictures, having on it his Star and wearing the blue ribbon and George of the Garter. In his hand he carried a white cane, or stick, with a silver head.

All these facts have to be borne in mind before considering the version of them set out in the text of " Bradshawe's Journal."

(*Note.*—Necessary comments and interpolations, from other contemporary sources, duly referenced and completing the story told, have been inserted into this in square brackets.)

⁴ " Collection of Notes at the Kings Tryall," by H. Walker, &c. Walker's illiterate rendering of the crier's traditional " O Yes " (for " Oyez ") will be noticed.

⁵ Clarendon, " Great Rebellion," xi., 235, and Rushworth's " Historical Collections," vol. iv., 1395. There is, of course, no mention of this in any of the newsbooks or other accounts.

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The Manner of the Tryall of Charles Stuart, King of England.

On Saturday, being the twentieth day of January 1648, the Lo. President of the High Court of Justice, his two assistants and the rest of the Commissioners of the said Court, according to the adiournment of the said Court from the Painted Chamber come to ye Bench or place prepared for their sitting at the West [sic, south] End of the great Hall at Westminster. Divers officers of the said Court, one and twenty gent. with partizans and a Sword and Mace, marching before them upp into the Court. Where the Lo. President in a crimson velvett chaire fixed in the midst of the Court placed himselfe, having a deske with a crimson velvett cushun before him. The rest of the members placeing themselves on each side of him upon the severall seates or benches ppared and hunge with scarlett for that purpose. The Lo. Presidents two assistants sitting next of each side of him and the two clerks of the Court at a table placed at the Lo. Presidents feete and covered with a turkey carpitt. Upon which table was also layde the Sworde and Mace, the said guard of partizans dividing themselves on each side of the Court before him.

Three proclamacons are made for all psons that were adiourned over hither to draw neare. The Court being thus sett and silence enjoyned the great gate of the Hall was sett open [This is a falsehood.]⁶ to the intent that all psons (without exception) desirous to see or heare might come in to it. Upon which the Hall was presently filled and silence againe ordered and proclaymed.

After silence proclaymed as aforesaid the Act of the Comons of England assembled in Parliamt for erecting of a high court of justice for trying and judging of Charles Stewart Kinge of England was openly read by one of the clerkes of the said Court.

The Act being read the Gourt was called, every commissioner present hereupon rising to his name.

⁶ This is intended to conceal Lady Fairfax's interruption when the list of names was called, as well as the brutal treatment of Lady de Lille. None of the licensed accounts notice either of these two incidents. See *infra*, p. 80.

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Commissioners present. Westmr Hall Jan 20th 1648.

John Bradshaw, Seriant
at Lawe, Lo. President

Oliver Cromwell } Esqrs.
Henry Ireton }

Sir Hardres Waller Knt.

Valentine Wauton } Esqrs.
Thomas Harrison }
Edward Whaley }
Thomas Pride }

Isacke Ewer

Tho. Lo. Gray of Grooby

Will. Lo. Mounson

Sir John Davers

Sir Tho. Mallevery Bar.

Sir John Bourcher Knt.

Isack Pennington

Alderman of London

Henry Martin

Will Purefoy

John Barkestead

John Blackston

Gilbert Millington

Sir Will. Constable Bar.

Edmund Ludlow } Esqrs.
John Hutchinson }

Sir Michell Livesley Bar.

Robt. Tichborne

Owen Roe

Robert Lilborne

Adrian Scroope

Richard Deane

John Okey

John Hughson

Daniell Blagrove

Esqrs.

Esqrs.

Will Goff

Cornelius Holland

John Carey

John Jones

Thomas Lister

Perigrine Pelham

Thomas Wogan

Francis Allen

Thomas Chaloner

John Moore

Will Saye

John Alldred

Francis Lassells

Henry Smith

James Chaloner

Houmfrie Edwards

Gregory Clement

John Fry

Sir Gregory Norton Bar.

Edmund Harvie

John Venne

Thomas Scott

Will Cawley

Anthony Stapley

John Downes

Thomas Horton

Thomas Hamond

John Lisle

Nicholas Love

Vincent Potter

Augustine Garland

John Dixwell

Simon Meyne

James Temple

Peter Temple

John Browne

Esqrs.

Esqrs.

This done the Court commanded the Seriant at Armes to sende for the prisoner, and hereupon Col. Tomlinson who had the charge of the prisoner, within a quarter of an hours space brought him attended by Col. Hacker and two and thirty officers with partizans guarding him to the Court, his owne servants immediately attending him. Being brought up in the face of the Court ye Seriant at Armes receives him straight to the Barr, having a crimson velvett chaire sett before for him. After a stern looking upon the Court, and the people in the galleries on each side of him he placed himself in the chair, not at all removing his hat or otherwise showing the least respect to the court, but presently riseth up again and turned about looking downwards upon the guards placed on the left side, and on the multitude (sic) of spectators on the right side of the said great hall. The guard that attended him in the meantime dividing themselves on each

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side of the court and his own servants following him to the bar and stand on the left side of the prisoner.

The King having again placed himself in his chair with his face towards the court and silence being again ordered and proclaimed, the lord president addressed himself to the prisoner and said :

“ Charles Stuart, King of England, the Commons of England assembled in Parliament, being sensible of the evils and calamities that have been brought upon this nation and of the innocent blood that hath been shed in it, which is fixed upon you as the principal author of it, have resolved to make inquisition for this blood, and according to the debt they owe to God, to Justice, the kingdom and themselves, and according to that fundamental power that is vested, and trust reposed in them by the People (others means failing through your default) have resolved to bring you to trial and judgment, and have therefore constituted this high court of justice, before which you are now brought. Where you are to hear your charge, upon which the court will proceed according to Justice.”

The said Mr. Cook, solicitor for the Commonwealth, standing within a bar with the rest of the counsel for the Commonwealth on the right hand of the prisoner, offered to speak, but the King having a staff in his hand, held it up and laid it upon the said Mr. Cook's shoulder two or three times, bidding him “ Hold.” [As the King drew back his cane, the silver head fell off. The “ Moderate ” commented, “ He stooping for it, put it presently into his pocket. This is conceived will be very ominous.” Sir Philip Warwick adds that the King himself thought the accident a bad omen, and that it was suspected that Hugh Peters had tampered with the cane.] Nevertheless the lord president ordering Mr. Cook to go on, he said :

“ My lord president, according to an order of this high court to me directed for that purpose, I do in the name and on the behalf of the people of England exhibit and bring into this court a charge of high treason and other high crimes, whereof I do accuse Charles Stuart, King of England, here present. And I do in the name and on the behalf aforesaid desire the said charge may be received accordingly and due proceedings had thereupon, and accordingly preferred a charge in writing, which having been received by the court and delivered to the clerk of the court, the lord president in the name of the court ordered it should be read.”

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The King: By your favour, Hold!

Bradshawe: The Court commands the charge shall be read: if you have anything to say, after, the court will hear you.

The clerk accordingly read the charge, the tenour whereof is as followeth (viz.):

A charge of High Treason and other High Crimes exhibited to the High Court of Justice by John Cook Esq., Solicitor-General appointed by the said Court, for and on behalf of the People of England against Charles Stuart King of England.

That he the said Charles Stuart being admitted King of England, and therein trusted with a limited power to govern by and according to the laws of the land and not otherwise, and by his trust, oath and office being obliged to use the power committed to him for the good and benefit of the people and for the preservation of their rights and liberties. Yet, nevertheless, out of a wicked design to erect and uphold in himself an unlimited and tyrannical power, to rule according to his will and to overthrow the rights and liberties of the people. Yea, to take away and make void the foundations thereof, and of all redress and remedy of misgovernment which by the fundamental constitutions of this kingdom were reserved on the people's behalf in the right and power of frequent and successive Parliaments, or national meetings in councell. He, the said Charles Stuart, for the accomplishment of such his designe and for the protecting of himself and his adherents, in his own and their wicked practices to the same ends, hath trayterously and maliciously levied war against the present Parliament and the people therein represented.

Particularly, on or about the thirtieth day of June, in the year of our Lord 1642, at Beverly in the County of Yorke. And upon or about the thirtieth day of July, in the year aforesaid, in the County of the city of York. And upon or about the twenty fourth day of August, in the same year. And at the county of the town of Nottingham when and where he set up his Standard of War. And also on or about the twenty third day of October, in the same year, at Edg-Hill and Kenton-field in the county of Warwick. And upon or about the thirtieth day of November in the same year at Brainford in the county of Middlesex. And upon or about the thirtieth day of August, in the year of our Lord One thousand six hundred forty and three, at Caversham-bridge, neer Reading, in the county of Berks. And upon or about the thirtieth day of October, at or neare the city of Gloucester. And upon or about the thirtieth day of November in the yeare last mentioned, at Newbery in the County of Berks. And upon or about the one and thirtieth day of July in the yeare of our Lord one thousand six hundred fourty and four at Cropredy-bridge in the County of Oxon. And upon or about the thirtieth day of September in the year last mentioned, at Bodmyn and other places neer adjacent, in the County of Cornwall. And upon or about the thirtieth day of November in the year last mentioned at Newbery aforesaid. And upon or about the eighth day of June in the yeer of our Lord one thousand six hundred forty and five, at the town of Leicester. And also, upon the fourteenth day of the same moneth, in the same year at Nasby-field in the County of Northampton. At which several times and places or most of them, and at many other places in this land, at several other times, within the yeers aforementioned, and

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in the year of our Lord one thousand six hundred fourty and six, he the said Charles Stuart hath caused and procured many thousands of the free people of this nation to be slain. And by divisions, parties and insurrections within this land, by invasions from forraign parts endeavoured and procured by him and by many other evil ways and means. He the said Charles Stuart, hath not onely maintained and carried on the said war, both by land and sea during the yeers before mentioned, but also hath renewed or caused to be renewed the said war against the Parliament and good people of this Nation in the present year one thousand six hundred and fourty eight, in the counties of Kent, Essex, Surrey, Middlesex and many other counties and places in England and Wales and also by Sea. And particularly he the said Charles Stuart, hath for this purpose, given commissions to his son, the Prince and others. Whereby (besides multitudes of other psons) many such as were by the Parliament intrusted and employed for the safety of the Nation, being by him or by his agents, corrupted to the betraying of their trust and revolting from the Parliament have had entertainment and commission for the continuing and renewing of War and Hostility against the said Parliament and People as aforesaid. By which cruel and unnatural wars by him the said Charles Stuart levied continued and renewed as aforesaid, much innocent blood of the free people of this nation hath been split, many families have been undone, the publick treasure wasted and exhausted, trade destructed and miserably decayed, vast expense and damage to the nation incurred and many parts of the land spoyled, some of them even to desolation. And for further pservation of his said evill designs, hee the said Charles Stuart doth still continue his commissions to the said Prince and other rebels and revolvers both English and forraigners. And to the Ea. of Ormond and to the Irish rebels and revolvers associated with him, from whom further invasions upon this land are threatened upon the procurement and on the behalfe of the said Cha. Stuart.

All which wicked designs, warrs and evill practices of him the said Charles Stuart have bin and are carried on for the advancement and upholding of a personal interest of will, power and pretended prerogative to himself and his family, against the publick interest, common right, liberty, justice and peace of the people of this nation, by and for whom he was intrusted as aforesaid.

By all which it appeareth that he, the said Charles Stuart, hath been and is the occasioner, author and continuer of the said unnatural, cruel and bloody wars and therefore guilty of all the treasons, murders, rapines, burnings, spoils, desolations, dammages and mischiefs to this nation acted and committed in the said wars, or occasioned thereby.

And the said John Cook by protestation saving, on behalf of the people of England, the liberty of exhibiting at any time hereafter any other charge against the said Charles Stuart and also of replying to the answers which the said Charles Stuart shall make to the premises or any of them, or any other charge that shall be so exhibited, doth for the said treasons and crimes, on behalf of the said people of England, impeach the said Charles Stuart as a tyrant, traytor, murtherer and a publick and implacable enemy to the commonwealth of England, and pray that the said Charles Stuart, King of England, may be put to answer all and every the premises and that such proceedings, examinations, trials, sentences and judgments may be thereupon had, as shall be agreeable to justice.

Subscribed JOHN COOK.

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The prisoner whilst the charge was reading sat down again in his chair, looking sometimes on the high court and sometimes up to the galleries. And having risen again and turned about to behold the guards and spectators, sat down again, looking very sternly and with a countenance not at all moved, till these words, viz. "Charles Stuart, to be a tyrant, traitor" etc., were read, at which he laughed as he sate, in the face of the Court.

[When the charge had been read, Bradshawe and his associates revenged themselves for Lady Fairfax's rebuke by a brutal act that has never before been recorded. Lady Anna De Lille, the widow of a Frenchman, Sir Arnold De Lille, who was a Captain in the troop of the first Lord Byron and was knighted by the King at Shrewsbury on 29th September, 1642, was in the hall. She must have been well known to all present, for her father, William Fowler, the Scottish poet, was secretary and master of requests to Anne of Denmark, James I.'s consort. This intrepid lady followed Lady Fairfax's example and called out that the King's subjects had not made the accusation, but only "traitors and rebels." She was seized and branded with hot irons by Hewson, both on her shoulder and her head, to the horror of the King.⁷ "She hath two brands upon her," wrote Dr. John Levet, on 18th May, 1665, to the future Archbishop Sancroft. "That of her shoulder I have seene (a handfull broad) she received them from Col. Huson at the first trial of our late King, in open court, for saying (upon their reading of his accusation) that it was not his subjects but traytors and rebels that made it. His Majesty then seeing her flesh smoake and her haire all of a fire for him by their hot irons, much commiserated her, and wished he could have been able to have requited her," &c. Dr. Levet wrote again to Sancroft on 17th June, 1665: "Take my letter to you concerning the Lady Delyle for an oracle. If Colonel Grey (Lord Grey of Warke his brother and now Major of his Majesty's

⁷ The authority for this is Archbishop Sancroft's correspondence in the Harleian MSS. Three undated letters from "Aa. Delylle" (as she signed her name) addressed to Sancroft when Dean of St. Paul's are Harl. MSS. 3783, Nos. 109, 175, and 176. Two others, dated 18th May, 1665, and 17th June, 1665, are from John Levet, Sancroft's doctor and personal friend, detailing particulars of the outrage and asking for help for Lady De Lille, who was in poverty and debt. Sancroft enquired into Lady De Lille's case, and gave her the financial aid she needed. But the great plague attained its height in a few weeks time, and Lady De Lille probably perished in it. Anthony à Wood gives a short account of Arnold De Lille in his "Athenæ," ii., 275, spelling his name Delisle, but the correct spelling appears to be that in Metcalfe's "Book of Knights," viz., De Lille.

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regiment of foot), Mr. Andrew Cole (one of his Majesty's Querries), Mr. Robison, the Duke of York's chirurgion (who cured her brands) *cum multis aliis*, confirm the same for a truth. And especially if the Earl of Denby [Denbigh] averre it, who kissed her wounds and condemned the then baseness of the Lords that she should be the only assertor of Loyalty. Besides that weeks newsbook in generall expressing the barbarous usage of a lady speaking for the King."⁸]

The charge having been read, the lord president spoke to him again, after this manner :

" Sir, you have now heard your charge read containing such matters as appear in it. You find that in the close of it, it is prayed to the court, in the behalf of the Commons of England, that you be put to answer to your charge. The court expects your answer and are willing to hear it."

[The King stood up again. " At that very instant the Hall Gate was opened and the people flocking towards the Bar, the rest of his speech was scarce to be heard," says one reporter present, in giving an imperfect account of the following speech.⁹ This printed account proves, therefore, that " Bradshawe's Journal " is untruthful in stating that the Hall gates were opened earlier and that " the people," other than the privileged spectators present, had not heard Lady Fairfax's and Lady De Lille's protests and were even unaware of the nature of the " charge."]

To this the King answered, First I must know by what power I am called hither before I will give answer. I was not long ago in the Isle of Wight. How I came there is a longer story than I think fit at this time to speak of, but there I entered into a treaty with the two Houses of Parliament, with as much public faith as is possibly to be had with any people in the world. I treated there with a number of honourable Lords and gentlemen, and treated honestly and uprightly. I cannot say but they dealt very nobly with me; we were upon a conclusion of the treaty. Now I would know by what authority (I mean lawful, for there are many unlawful authorities in the world, robbers by the highway, taking men's purses by illegal ways)—but I would know by what authority (lawful) I was carried thence and was since

⁸ Harl. MSS. 3784, Nos. 147-8.

⁹ " The Kings Tryall," printed for Thomas Williams (No. 1 in the Bibliography). Probably suppressed for the passage quoted, for no other reports by this writer followed.

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brought from place to place like I know not what, till I came hither. That I would fain know. When I know a lawful authority then I will answer.

Remember, I am your King, your lawful King and what sin you bring upon your heads; besides those other judgments you bring upon the land. Think well upon it, I say, think well upon it, before you go from one sin to a greater. I know no authority you have. Therefore let me know by what lawful authority I am seated here and I shall not be unwilling to answer. In the meanwhile, know I will not betray my trust. I have a trust committed to me by God, by old and lawful descent. I will not betray that trust to answer to a new unlawful authority, for all the world. Therefore let me know by what lawful authority I am come hither and you shall hear more of me. Resolve me in that and I will answer.

Bradshawe: Sir, if you had been pleased to observe what was intimated to you by the court at your first coming hither and the paper read, you would have known by what authority you came hither. Namely by the authority of the Commons of England, assembled in Parliament, in the behalf of the People of England, by which people you are elected King. Which authority requires you in the name of the People of England to answer them.

The King: Nay, I deny that, England was never an elective kingdom; it was an hereditary kingdom for near this thousand years. Therefore let me know by what authority I am called hither. Your authority, raised by an usurped power I will never—I will never betray my trust. I am entrusted with the liberty of my people, I do stand more for the liberties of my people than any one that is seated here as a judge. Therefore show me by what lawful authority I am seated here and I will answer it. Otherwise I will not betray the liberties of my people.

Bradshawe: If you acknowledge not the authority of the court, they must proceed.

The King: I do tell you, Sir, England was never yet an elective kingdom, it was an hereditary kingdom for near this thousand years. Therefore let me know by what authority I am called hither. Your authority raised by an usurped power I will never—I will never betray my trust. I am entrusted with the liberties of my people. I do stand more for the liberties of my people than any one that is seated here as a judge: therefore show me by

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what lawful authority I am seated here and I will answer it. Otherwise I will not betray the liberties of my people.¹

Bradshawe: Whether you have not betrayed your trust in good time, when you have given your answer, will appear. You, instead of answering, interrogate the court, which doth not become you in this condition. (If this be all) you have already been told your answer.

The King: Here is a gent., Cobbet, can witness I came from the Isle of Wight by force. I do not come here as submitting to the court. I will stand as much for the privilege of the House of Commons (rightly understood) as any man here whatsoever. I see no House of Lords that may constitute a Parliament (and the King too should have been) for this your bringing back your King to your Parliament; for this your bringing an end to the treaty to be done with all the public faith of the world! Therefore, let me see a legal authority, I say a legal authority, warranted either by the Word of God, by Scripture, or warranted by the ancient laws and constitutions of this realm and I will answer.

Bradshawe: Sir, you have often propounded a question and have received an answer more than once, with which you are not satisfied. Sir, the interpretation doth not belong to you. The court will consider what to do with you. In the meantime those that brought you hither will take charge of you again. And, Sir, you will do well to consider whether this be all the answer you insist upon.

The King: Sir, I desire that you will give me and all the world satisfaction in this, for, let me tell you, it is not a present power that will settle the business of the kingdom. I have sworn to maintain the peace by the duty I owe to God and my country, and I will do it to the last breath of my body. Therefore, Sir, you shall do well to satisfy, first God, and then the country, by what lawful authority you do it. If you do it by an usurped authority, it will not last long, and there is a God in Heaven that will call you and those that gave you authority to an account for it. Therefore, satisfy me in that, and then I will answer you. Otherwise I betray my trust. I stand more for the liberty of my people than any here that sitteth to be a judge. For I do avow that it is as great a sin to withstand lawful authority as to submit

¹ There is a certain amount of tautology in the King's opening speeches, and this appears only in "Bradshawe's Journal." But it is evidently correctly reported, and thus enhances the value of the Journal.

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to a tyrannical, or any other way, unlawful authority. Therefore, satisfy God and me, and all the world in that, and you shall receive my answer. I am not afraid of this business!

[“God save your Majesty,” shouted the people when the King ended his speech.²]

Bradshawe: The court expects that you should give them a positive answer. Their purpose is to adjourn till Monday next. If you then persist in the same temper you are in now, this is as much as if you had said nothing to us. You will not be satisfied though we do tell you our authority. We are upon Gods and the kingdoms errand, and that peace we stand for (we doubt not) will be better had and kept when justice is done. And that’s our present work. We are satisfied, therefore consider what you have to do at your next appearance.

The King: Let me tell you; if you will show me what lawful authority you have I shall be satisfied. To say you have lawful authority will satisfy no reasonable man.

Bradshawe: That is in your apprehension. We think it reasonable that are your judges.

The King: ’Tis not my apprehension only, for ’tis not my apprehension, nor yours neither, that ought to decide it.

Bradshawe: The court hath heard you and you are to be disposed of as they have commanded. The guard are accordingly commanded to withdraw the prisoner.

The King: The King!

The King going away without stirring his hat said, “Well Sir!” and going down, said, “I do not fear that Bill.”

[A marginal note explains, “Meaning, as it is conceived, either the charge or the sword, both which lay upon the table to which he pointed.”]

Thereupon the court ordered to adjourn till Monday following, being the two and twentieth of January, at nine of the clock in the morning, in the Painted Chamber, and from thence to the said place again in Westminster Hall.

It was observed that, as the charge was reading against the King, the head of his staff fell off, which he wondered at, and seeing none offered to take it up, he stooped for it himself. The people in the Hall, as he was going down the stairs cried out for “Justice.”

² “Exact and most impartial accompt,” &c., p. 110.

The Trial.

[Nevertheless, John Dillingham, in his "Moderate Intelligence," contradicts this last remark by writing that when the King passed through the Hall, "Some few cri'd 'God blesse him,' others 'Justice! Justice!' When he was come to St. James's, some that stood by said the people cri'd for Justice. He (the King) said, 'None but the soldiers,' and added that he was for the people's liberty as much as any. But, for his tryall, if they that now sate proceeded, the liberty of the subject was nothing."

The day's proceedings ended with another proclamation by the crier:—Ho Yes! Ho Yes! Ho Yes! All manner of persons that have any thing more to do at this court, ye are to depart at this time. And this court doth adjourn itself until Monday morning next, at 9 of the clocke to meet in the Painted Chamber, and from thence hither again."

The intention had been to keep the King at Sir Robert Cotton's house until all was over, "but in regard he had a desire to lye in one of his own houses and be with his children he was carried back again to St. James's. And the Commissioners to try him being at least three score and ten now present agreed to meet the next day, being Sunday, at Whitehall, and spend the day in fasting and prayer to seek unto the Lord concerning this great businesse."

Two soldiers were ordered to keep watch in the King's bed-chamber, whereupon the King flatly refused to go to bed. Another method of breaking down the King's resolute spirit consisted in an attempt to conduct his devotions for him on the Sunday. Peters was sent to him for that purpose, but the King refused to hear him, so that Peters's friend, Walker, reported falsely in his "Perfect Occurrences": "The King had not gone to bed on Satterday night, by reason of his dislike to have anybody in his chamber, but this last night (Sunday) he did go to bed (?) Mr. Peters hath convinced him to acknowledge (before divers) that his cruelty against the zealous ministers hath justly brought this misery upon him." The "Perfect Diurnall" states that, on Sunday, "Great recourse of people went out from London to Westminster, but if to see the King they were disappointed; who was then at St. James's under a strong guard. A solemn fast was kept this day at Whitehall by the Commissioners for tryall of the King." As to this "Fast," which, as usual, consisted of three tremendous sermons on end of over an hour's length each, the "Moderate" reported that "there preached

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before them Mr. Sprigge, whose text was 'He that sheds blood, by man shall his blood be shed.' Mr. Foxley's was 'Judge not lest you be judged.' And Mr. Peters's was 'I will bind their kings in chains and their nobles in fetters of iron.' " The first two sermons could not have been pleasing to Bradshawe and his supporters, for Mabbot goes on to add, "The last sermon made amends for the two former."

Thos. Tongue gave evidence about this sermon at Peters's trial in 1660. "Upon Jan. 21," said he, "I was at Whitehall, where this gentleman preached, and he preached upon this text, 149 Psalm, v. 8: 'To bind their kings in chains and their nobles in links of iron.' In which text this Peters did much applaud the soldiers there. He said he hoped to see such another day following as the day before and that 'blessed be God' (says this parson Peters) 'the House, the lower, House is purged, and the House of Lords themselves they will down suddenly.' This is all I can well remember at that time."

Another witness, a Mr. Walker, added, "I went to hear Mr. Peters at Whitehall. After he had made a long prayer, saith he, 'I have prayed and preached these twenty years and now I may say, with old Symeon, 'Lord now lettest Thou thy servant depart in peace, for mine eyes have seen thy salvation.' Afterwards he speaks of the text, of binding their kings in chains, etc., then much reviled the King. 'But soft there,' said he, 'I must not talk so here, I am in the King's chapel; there is a very remarkable passage in Amos. Amos went to preach and Amaziah would not let him, but Amos would preach. The poor wretch would not hear me, but yet I will preach.' Afterwards he speaks of the mayor of Exeter that committed the bishops servant for being drunk. Saith the Mayor, 'Here is an Act of Parliament for it and I do not see that the bishop nor his man are excepted out of the Act.' 'And,' saith he, 'in Scripture it is said, "Whosoever sheddeth man's blood, by man shall his blood be shed," and I do not find that either King Charles, Prince Rupert, Prince Maurice, or any of that rabble are excepted.' "3]

³ "Exact and most impartial accompt," &c., pp. 168 and 170.

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The Second Day's Trial.

Hewson Spits in the King's Face.

[At the preliminary meeting in the Painted Chamber on Monday, the 22nd, only 62 members were present. Their business was first to receive an apology from John Corbet, for being unable to attend, and then to give minute directions to Bradshawe about what he was to say to the King. As these instructions were carried out to the letter, it is not necessary to detail them. All then went in procession to Westminster Hall, and when all were seated, the crier made his proclamation :

“ Ho Yes! Ho Yes! Ho Yes! All manner of persons that are to attend this count you are to come in and give your personal attendance. Ho Yes! Every man keep silence upon pain of imprisonment, and then the members of this court are to answer to their names.”

Then the list of the names in the “ Act ” was called over. Sixty-nine members only answered. Most of the newsbooks directed by Mabbot untruthfully put this total at 80, but even including Bradshawe the total was only 70.⁴

Then the crier again made proclamation, “ because of some noise that was made by the people in the Hall thronging in. So the gates were set open, as soon as the court was sate and by order of the court.” The real reason, of course, was because of the cheers for the King upon the previous Saturday.

“ Ho Yes! Ho Yes! Ho Yes! My lord president and this high court doth strictly charge and command all persons to keep silence during the sitting of this court, and the Captain of the guards is to apprehend all such persons as shall make any disturbance.”

Then the Serjeant was sent with the Mace for the King. “ At

⁴ Walker, in his “ Collection of Notes ” for this day, after giving the full list, admits that only 70 were present. And the matter is conclusively settled by the Journal.

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his coming in, a shout was made,"⁵ in defiance of the proclamation, so the crier renewed it:

"Ho Yes! Every man keep silence upon pain of imprisonment. This court doth command the Captain of the guard to take into custody all such persons as shall occasion or make disturbance during the sitting of the court."

This last proclamation was followed by a little incident at the start, which is not recorded in the regicides' Journal. Joseph Herne, a witness against Cook at his trial in 1660, then gave evidence that he was present on this day, Monday, the 22nd, and that Bradshawe opened the proceedings by "demanding of Cooke what he had to ask of the Court." Cook "was then talking with Dorislaus," said Herne, "and seemed not to mind the business of the court. His Majestie, sitting near, takes his stick and thrusts (Cook) upon the shoulder and (Cook) looking back with a great deal of indignation turned about."⁶]

Westminster Hall.

Jan 22° 1648 post meridiem

The Lo. President and Commissioners accompanying him coming from the Painted Chamber take their places in the publique Court in Westminster as on the Saturday before, and being sate and Hall doores set open.

Three proclamations were made for all persons that were adiourned over to this tyme to give theire attendance and for all persons to keepe silence upon paine of emprisonment.

The Court was thereupon called.

Commissioners present in

Jan. 22° 1648

Westminster Hall.

John Bradshaw, Serient at Lawe, Lo. President	
Will Say	} Esqrs.
John Lisle	
Oliver Cromwell	
Henry Ireton	
Sir Hardres Waller Knt	} Esqrs.
Valentine Wauton	
Thomas Harrison	
Edward Whaley	
Thomas Pride	
Isacke Ewer	

Will Tomlinson	} Esqrs.
John Blakiston	
Gilbert Millington	
Sir Will. Constable Bar.	} Esqrs.
Edmund Ludlowe	
John Hutchinson	
Sir Michell Livesley Bar.	} Esqrs.
Robert Tichbourne	
Owen Roe	
Robt. Lilborne	
Adrian Scroope	
Richard Deane	

⁵ According to the "Perfect Narrative" of the proceedings on 20th January and 22nd January, printed for John Playford. Thomason Tract, E. 538 (28).

⁶ "Exact and most impartial accompt," &c., p. 111.

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Tho. Lo. Gray of Grooby
 Will. Lo. Monson
 Sir John Davers
 Sir Tho. Mallevery Bar.
 Sir John Bourcher Knt.
 Robert Wallop } Esqrs.
 Will Heveningham }
 Isaacke Pennington }
 Alderman of London
 Henry Martin
 Will Purefoy }
 John Barkstead }
 Will Cawley } Esqrs.
 Anthony Stapley }
 John Downes }
 Tho. Horton }
 Thomas Hamond }
 Nicholas Love }
 Vincent Potter }
 Sir Gregory Norton Bar.
 Edmund Harvie } Esqrs.
 John Venn }
 Tho. Scott }
 Tho. Andrewes }
 Alderman of London

John Okey
 John Hughson
 Will Goff
 Cornelius Holland
 John Carey
 John Jones
 Francis Allen
 Perigrine Pelham
 Tho. Chaloner } Esqrs.
 John Moore }
 John Aldred }
 Francis Lassells }
 Henry Smith }
 James Chaloner }
 Humphrey Edwards }
 Gregory Clement }
 John Fry }
 Tho. Wogan }
 Sir Gilbert Pickering Bar.
 Augustine Garland
 John Dixwell } Esqrs.
 James Temple }
 Peeter Temple }
 Daniell Blaggrave }

The Court being called the Seriant is commanded to fetch his prisoner. The King is againe brought prisoner to the Barr (as on Saturday before). Proclamation is made for silence, whiles the Pleas of the Commonwealth were in hand, and order given to the Captaine of the Guard to take into his custody such as should disturbe the Court. Which being done Mr. Solicitor addrest his speech to the Lo. President as followeth:

Cook: May it please your lordships, my lord president, I did at the last court, in the behalf of the people of England, exhibit and give to this high court a charge of high treason and other high crimes against the prisoner at the bar, whereof I did then accuse him in the name of the people of England. The charge was read over to him; he was not pleased to give any answer thereunto, but, instead of answering, disputed the authority of this high court. My lord, my humble motion to this high court, in the behalf of the people of England, is that the prisoner may be directed to make his positive answer, either by way of confession or negation. Which, if he shall refuse to do, that the matter of charge may be taken *pro confesso* and the court may proceed according to justice.

Hereupon the lord president addressing himself to the King said as followeth:

Bradshawe: Sir, you may remember at the last court you

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were told the occasion of your being brought hither and you heard your charge read against you, containing a charge of High Treason, and other high crimes against this realm of England. You have heard likewise that it was prayed in the behalf of the Commonwealth that you should give an answer to the said charge that thereupon such proceedings might be had as should be agreeable to justice. You were then pleased to make some scruple against the authority of this court that you knew not by what authority you were brought hither. You did divers times propound your question and you were as often answered that it was by authority of the Commons of England assembled in Parliament, that do think fit to call you to account for those high and capital misdemeanours wherewith you stand charged. Sir, the court has since that time taken into their serious consideration what you then said and they are satisfied fully with their authority and they hold it fit you should stand satisfied therewith too. And do require that you should give a positive and particular answer to this charge that is exhibited against you. They do expect you should either confess or deny it. If you deny, it is offered in behalf of the Commonwealth to be made good against you. Their authority, they avow to the whole world and that the whole kingdom are to rest satisfied in it, and you are to rest satisfied with it. Sir, the court expects that you apply yourself to the charge not to lose any more time, but to give a positive answer thereto.

The King: When I was here last, it is very true I made that question. And if it were only my own particular case I would have satisfied myself with the protestation I meant to have made the last time I was here, against the legality of this court. And that a King cannot be tried by any superior jurisdiction on earth. But it is not my case alone, it is the freedom and the liberty of the people of England. And (do you pretend what you will) I must justly stand for their liberties. For if power (without law) may make law, may alter the fundamental laws of the kingdom—I do not know what subject he is in England can be assured of his life or anything he can call his own. And therefore, when I came here, I did expect particular reasons, to know by what law, what authority, you did proceed against me here. And, therefore, I am a little to seek what to say to you in this particular, because the affirmative is to be proved, the negative often is very hard to be done. But since I cannot persuade you to do it, I shall tell you my reasons as short as I can. My reasons why
on

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in conscience of that duty I owe to God first, and my people afterwards for their lives, liberties and estates, I conceive I cannot answer at this time till I be satisfied of the legality of it. All proceedings against any man whatsoever—

The prisoner was here interrupted by the lord president according to former directions to him given. Who said:

Bradshawe: Sir, I must interrupt you, which I would not willingly do but that what you do is not agreeable to the proceedings of any court of justice, as all that know what belongs to justice know. Sir, it seems you are about the entering into arguments and disputes concerning the authority of the court, before whom you are convented as a prisoner and are charged as an high delinquent. You may not do it. If you take upon you to dispute the authority of the court, we may not do it, nor will any court give way unto it. You are to give your punctual and direct answer either affirmative or negative whether you will answer your charge or no and what your answer is.

The King: Sir, by your favour, I do not know the forms of law. I do know law and reason though I am no lawyer professed. I know as much law as any gent. in England, and therefore, Sir (by your favour), I do plead for the liberties of the people of England more than any of you do. And therefore if I should impose a belief upon any man without reasons given for it it were unreasonable. I must tell you that by that reason that I have, as thus informed, I can not yield unto it—

Bradshawe: I must again interrupt you; you may not go on in that course. You speak of Law and Reason. It is fit there should be law and reason and there are both against you in the proceedings. The vote of the Commons of England in Parliament, that is the reason of the kingdom. It is the Law of the kingdom, and they are these that have given you that law according to which you should have ruled and reigned. Sir, you are not to dispute our authority; you are told it again by the court. Sir, it will be taken notice of that you stand in contempt of the court. Your disputes are not to be admitted and your contempt will be recorded accordingly.

The King: I do not know how a King can be a delinquent, but by all law that I ever heard of all men, delinquents or what you will, let me tell you, they may put in demurrer, and to demur against any proceedings is legal. I do demand that and demand

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to be heard with my reasons. If the court will not hear reason, I do not know what reason there is for that.

Bradshawe: Sir, you have offered something to the court. I shall speak something unto you, the sense of the whole court in it, that which you are upon hath been considered. Sir, neither you nor any man may be permitted to dispute that point. You are concluded you may not demur to the jurisdiction of the court. If you do, I must let you know the mind of the court. They overrule your demurrer. You dispute their authority. You are called here to account by the authority of this court. We sit here by the authority of the Commons of England, and that authority hath called your ancestors (the greatest of them) to account.⁷

The King: I deny that. Show me one precedent.

Bradshawe: Sir, you ought not to interrupt while the court is speaking to you. This point is not to be debated by you, neither will the court permit you to do it. If you offer it by way of demurrer to the jurisdiction of the court, they have considered of their jurisdiction, they do affirm their own jurisdiction and once again require your answer.

The King: I say, sir, by your favour, that the Commons of England was never a court of judicature. I would know how they came so.

Bradshawe: You are not to be permitted to go on in that speech and these discourses.

Then, according to former directions given to the lord president [in the Painted Chamber], if the King fell upon the way of debate, the clerk of the court by the command of the lord president, read as followeth:

“Charles Stuart, King of England, you have been accused on behalf of the people of England of high treason and other high crimes and treasons; which hath been read unto you. The court require you to give a positive answer, whether you confess or deny the charges, having determined that you ought to answer the same.”

The King: I will answer the same so soon as I know by what authority you sit.

Bradshawe: If this be all that you will say, then, gent., you

⁷ The Barons of England certainly had called Edward II., Richard II., and other Kings to account, but the Commons had never presumed to interfere.

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that brought the prisoner hither conduct him back again (speaking to the guards).

The King: I do desire to give in my reasons. I shall not speak anything without reason. I do require that I may give in my reasons why I do not, and give me time for that.

Bradshawe: Sir, 'tis not for prisoners to require.

The King: Sir, I am not an ordinary prisoner.

Bradshawe: The court hath affirmed their jurisdiction. If you will not give answer, we shall give order to record your default. Serjeant-at-arms, take away the prisoner.

The King: You never heard my reasons yet.

Bradshawe: Your reasons are not to be heard against the highest jurisdiction.

The King: Show me that highest jurisdiction where reason is not to be heard.

Bradshawe: They are not to be heard against the highest jurisdiction who have constituted this court. The next time you are brought here you will hear more of the pleasure of the court and, it may be, their final determination.

The King: Show me where ever the House of Commons was a court of judicature in that kind.

Bradshawe: Sir, you ought not to be heard in that point. Serjeant! Take away the prisoner.

The King: Well sir, remember that the King is not at liberty to give in his reasons for the liberty and freedom of his subjects.

[With that a great shout came from the people, crying, "God save the King," said a witness at the trials of the regicides in 1660,^s "but," he added, "there was an awe upon them, that they could not express themselves as they would have done, I believe."]

Bradshawe: Sir, you are not to have liberty to use such language. How great a friend you have been to the laws and liberties of the people, let all England and the world judge.

The King: Under favour, Sir, it was the liberty, freedom and laws of the subject, that I took—defended myself with arms and never took up arms against the people but for the laws.

Bradshawe: Sir, the commands of the court are to be obeyed here. No answer will be given to the charge.

The King: Well, sir.

^s "Exact and impartial accompt," &c., p. 112.

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Then the lord president ordered the default to be recorded and the contempt of the court, and that no answer will be given to the charge, and remanded the prisoner, and hereupon the King went down to Sir Robert Cotton's, and the court adjourned itself to the next day, being Tuesday, at twelve of the clock, to the Painted Chamber withal giving notice that from thence the court intended to adjourn to this place again.

[For the second time Bradshawe had utterly failed in his attempts to induce the King to acknowledge him, and, instead, had himself been treated with so lofty a contempt that one of the self-styled judges could no longer contain himself. Hewson stepped across the intervening space and spat in the King's face, calling out to his men, "Justice! Justice!! upon the traitor!" The King drew out his handkerchief, wiped his face, and patiently replied, "Well, Sir! God hath justice in store, both for you and me."⁹

The "Moderate Intelligencer" does not mention this incident, but made some unexpected comments. "When the King returned to his lodging," wrote Dillingham, "discoursing with those about him, he spake very much against the court, as no true judicature and that he did not believe the major part of the commissioners were of that opinion. And being desired to prepare for another world, in regard of the much blood that had been shed by his means, he answered that he did not believe himself the cause of that blood, nor lay that at his heart so much. And being told he would be put to death, he intimated a desire of combat." Did Dillingham really mean that the King wished for trial by wager of battle? Or did he mean to express his own pious wish that the people might rise in defence of the King and attack the commissioners? In any case many people were anxious

⁹ This incident has been placed on the last day, 27th January, but I have taken as my authority "Mercurius Elencticus" No. 1, for 31st January-7th February, 1648-9. There is no copy of this number amongst the Thomason Tracts, but one is to be seen in Burney 32.A, bound up by mistake amongst the Royalist "Mercuries" of 1648. The passage runs as follows: "As he passed from the Hall, on Monday Jan. 22, Col. Hewson himself for the honour of the gentle craft [cobblers] cry'd 'Justice!' 'Justice!' on the traytor, and withall spit in his face; whereat the King only smil'd, took out his handkerchiefe and patiently wyped the venom off his face, saying, 'Well, Sir! God hath justice in store both for you and me.'" Others followed Hewson's example, on the day of sentence. One of the other regicides accused was Garland, when he was tried in 1660. Garland then pleaded, "If I was guilty of this inhumanity I desire no mercy from God Almighty." Garland's defence was accepted, for he was not executed.

The Trial.

to avenge the insults offered by Bradshawe to the King, and Bate, in his "Elenchus," published after the Restoration, says without specifying the date, that "One Burghill armed with sword and pistol watched (for) him (Bradshawe) one night behind Gray's Inn Gate when he was to come home late, but missing of his design that night (Saturday, the 20th?) because Bradshawe did not come home; next day, being betrayed by one Cooke to whom he had discovered the matter, he was brought before the Parricides. However, his guards being drunk, finding an occasion of an escape, he saved his own life, having only laid in wait for another man's."

"The King carrieth himself very resolutely and looketh well, although he hath no great reason for it, for he hath not bin in bed these two nights," wrote the author of the "Kingdoms Weekly Intelligencer," under the date of 22nd January.¹]

Third Day—Tuesday, 23rd January.

[At the meeting in the Painted Chamber, which took place at twelve o'clock on this day, 63 Commissioners were present. They decided to attempt "to try him (the King) once more whether he will own the court." If the King "should submit to answer and desire a copy of his charge," it was to be granted him, and they were to adjourn for a day. Vain hopes, for the King never at any time asked for a copy of their charge. The Commissioners then "forthwith" adjourned into Westminster Hall, where after proclamations by the crier and roll call, their number was found to have been augmented to 71. When the King "came to the bar," states Henry Walker, "he looked about him and viewed the galleries, which were full of people. The King was this day, and the day before, in black and his countenance was very sad." Other writers say that he looked "with an austere countenance" upon the Court. The crier then repeated the threats to the people made on the preceding day. After this had ended, Cook opened the proceedings.]

¹ "The Kingdoms Weekly Intelligencer" for 16th-23rd January, 1648-9.

King Charles I.

Westminster Hall.

Jan 23^o 1648 post merid.

Three proclamacons being made and silence commanded as formerly

The Court was called.

John Bradshaw, Seriant at
Lawe, Lo. President of
this Court

Oliver Cromwell } Esqrs.
Henry Ireton }

Sir Hardres Waller Knt.

Valentine Wauton

Tho. Harrison } Esqrs.
Edward Whaley }

Thomas Pride

Isack Ewer

Sir Henry Mildmay Knt.

Tho. Lo. Gray of Grooby

Will. Lo. Mounson

Sir John Davers

Sir Tho. Mallevery Knt.

Sir John Bourcher Knt.

Sir James Harrington Knt.

Robert Wallopp } Esqrs.
Will Heveningham }

Isacke Pennington

Alderman of London

Henry Martin

Will Purefoy

John Barkestead } Esqrs.
John Blackiston }

Gilbert Millington

Sir Will Constable Bar.

Edmund Ludlowe } Esqrs.
John Hutchinson }

Sir Mich. Livesley Bar.

Robt. Tichborne

Owen Roe } Esqrs.
Robert Lilborne }

Sir Gilbert Pickering Bar.

Augustine Garland } Esqrs.
John Dixwell }

Simon Meyne

Adrian Scroope

Richard Deane

John Okey

John Hughson

Will Goffe

Cornelius Holland

John Carey

John Jones

Miles Corbett

Francis Allen

Perigrine Pelham

Thomas Chaloner

John Moore

Will Say

John Aldred

Henry Smith

James Temple

Peeter Temple

Daniell Blagrove

Houmfrey Edwards

Gregory Clement

John Fry

Thomas Wogan

Sir Gregory Norton

Edmond Harvie

John Venn } Esqrs.
Tho. Scott }

Tho. Andrewes

Alder. of London

Will Cawley

Anthony Stapley

John Downes

Thomas Horton

Thomas Hamond

John Lisle

Nich. Love

Vincent Potter

The Court being called the Seriant is required to sende for the prisoner, who was accordingly brought to the Barr, where hee tooke his seate as formerly. Proclamation is thereupon made for silence, while the Pleas of the Comon Wealth are in hand. And the Captaine of the guard commanded by Proclamacon to take into custody all that should disturbe the proceedings of the Court.

Mr. Cooke: Mr. Sollicitor addrest himself to the Court after this manner.

The Trial.

Cook: May it please your lordships, my lord president, this is now the third time that, by the great grace and favour of this high court, the prisoner hath been brought to the bar, before any issue joined in the case. My lord, I did at the first court exhibit a charge against him, containing the highest treason that ever was brought upon the theatre of England. That a king of England, trusted to keep the law, that had taken an oath so to do, that had tribute paid to him to that end, should notwithstanding out of a wicked design to subvert and destroy the said law and to introduce an arbitrary and tyrannical government, in the defiance of the Parliamentary authority, set up his standard of war against the Parliament and people, I did humbly pray, in the behalf of the people of England, that he might speedily be required to make an answer to that charge. But, my lord, instead of making any answer, he did then dispute the authority of this high court. Your lordship was pleased to give him a further day to consider and to put in his answer. Which day being yesterday, I did humbly move the court that he might be required to give a direct and positive answer, either by denying or confession of it. But, my lord, he was then pleased to demur to the jurisdiction of the court, which the court did then overrule and commanded him to put in a direct and positive answer without any delay. My lord, this hath been great delay of justice. Therefore I shall now humbly move your lordship for speedy judgment against him. My lord, I might press your lordship that (according to the known rules of the law of the land) if a prisoner should stand mute or contumacious and shall not put in an issuable plea to the charge given against him, whereby he may come to a fair trial, that by an implicit confession it may be taken *pro confesso*, as it hath been done to those who have deserved more favour than the prisoner at the bar hath done. But besides, my lord, I shall humbly press your lordship upon the notoriety of the fact. The House of Commons have declared that his treason is notorious and that the matter of fact is true (as in truth it is) my lord, as clear as crystal or as the sun at noonday. But if your lordship and the court be not satisfied hereupon, I have on the behalf of the people of England several witnesses to produce. And therefore I do humbly pray and yet not so much I as the innocent blood that hath been shed (the cry whereof is very great), that speedy sentence and judgment be pronounced against the prisoner at the bar according to justice.

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Bradshawe: Sir, you have heard what is moved by the counsel on behalf of the kingdom against you and you may well remember, and if you do not the court cannot forget what dilatory dealing they have found at your hands. You were pleased to propound some questions, you had your resolution upon them. You were told over and over again that the court did affirm their own jurisdiction. That it was not for you or any other man to dispute the jurisdiction of the supreme and highest authority of England, which set them on work, from which there is no appeal and against which there is no dispute. Yet nevertheless you did persist in such carriage as you did give no manner of obedience, nor did you acknowledge any authority in them that constituted this court of justice. Sir, I must let you know from the court that they are very sensible of these delays of yours and that they ought not, being thus authorised by the supreme court of England, to be thus trifled withal. That they might in justice if they pleased, according to the rules of justice, take advantage of these defaults and proceed to pronounce judgment against you. Yet nevertheless they are pleased to give direction and on their behalf I do now require you that you make a positive answer unto this charge that is against you. Sir, in plain terms (for justice knows no respect of persons) you are charged with high treason, you are to give your answer, your positive and final answer (in plain English), whether you be guilty or not guilty of these treasons laid to your charge.

The King, silent, or pausing a while, said: When I was here yesterday, I did desire to speak and began to speak for the liberties of the people of England. I was interrupted. I desire to know yet, whether I may speak freely or not.

Bradshawe: Sir, you have had the resolution of the court upon the like question the last day, and you were told your work was not here in a court of justice, and having a charge of such high nature against you, that you ought to acknowledge the jurisdiction of the court and to answer to your charge. Sir, if you answer your charge, which the court gives you leave now to do, though they might have taken advantage of your contempt, yet if you be able to answer to your charge, when you have answered, you shall be heard at large to make the best defence you can to these hainous crimes laid to your charge. But, Sir, I must let you know from the court, as their commands, that you are not to be permitted to issue out into any other discourses till such time

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as you have given a positive answer to the charge that is now against you, and this is their final command.

The King: For the charge I value it not a rush. It is the liberties of the People of England that I stand for. For me to acknowledge a new court that I never heard of before—I that am your King, that should be an example to all the people of England, to uphold justice, to maintain the old laws—indeed I know not how to do it. You spoke very well the first day that I came here, of the obligation that I had laid upon me by God for the maintenance of the liberties of my people to defend (as much as in me lies) the ancient laws of the kingdom; the same obligation you spoke of. And, therefore, till I may know this is not against the fundamental laws of the kingdom, by your favour, Sir, I can put in no particular charge. [A marginal note states, “This is as the King expressed it, but it is supposed he meant ‘answer.’”] If you will give me time, I will show you my reason why I cannot do it, and this—(by your favour) you need not to interrupt me of. How I came here a prisoner I know not, there is no law for it to make your King a prisoner. I was in a treaty upon the public faith of the kingdom, that was by the known two Houses of Parliament that were the representative body of the kingdom. And, upon that, I had almost made an end of the treaty. I was hurried away and brought hither. And therefore—(by your favour)—

Bradshawe: Sir, you must know the pleasure of the court.

The King: By your favour—

Bradshawe: By your favour, you must hear the court, you may not be permitted to fall into these discourses. You have not acknowledged the authority of the court, you appear as a delinquent before the high court of justice; you have not given a positive answer. The court craves it not of you, but once more the court demands of you your positive and final answer to your charge. Clerk, do your duty.

The King: Duty!

Then the Clerk read: Charles Stuart, King of England, you are accused in the behalf of the People of England of divers high crimes and treasons; which charge hath been read to you. The court now requires you to give your final and positive answer by way of confession or denial of the charge.

The King: Sir, I say again to you, so that I might give satisfaction to the People of England of the clearness of my proceeding (not by way of answer, not in this way) but to satisfy

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them that I have done nothing against that trust that hath been committed to me, I will do it. But to acknowledge a new court against their privileges, to alter the fundamental laws of this kingdom in their behalf, Sir, you must excuse me.

Bradshawe: Sir, this is the third time that you have publicly disowned this court and put an affront upon it. How far you have preserved the fundamental laws and freedom of the subject, your actions have spoke it. For truly, Sir, men's intentions are used to be shown by their actions. You have written your meaning in bloody characters throughout the whole kingdom. But, Sir, the court understands your meaning. Clerk, record the default. And, gentlemen, you that brought the prisoner, take him back again.

The King: I have one word to you. If it were only my own particular indeed I would not——

Bradshawe: Sir, you have heard the pleasure of the court and you are (notwithstanding you will not understand it) to find that you are before a court of justice.

The King: Well, Sir, I find I am before a power, and went away.

These words he spoke in a lower voice as he was going away.

[But, according to Dillingham, in the "Moderate Intelligencer," the King remarked, "Pish! I care not a straw for you."

All ended with a new proclamation by the crier intended to anticipate the people and prevent them from shouting "God bless the King." The man called out, "God bless the kingdom of England."

The confusion caused by the King's resolute attitude and refusal to plead is shown in the Journal:]

"The prisoner being thus remanded, the court adjourned itself forthwith to the Painted Chamber giving notice that from thence they intended to adjourn to this place by ten of the clock tomorrow morning (Wednesday, the 24th)."

[Nevertheless they did not sit again in Westminster Hall until Saturday, the 27th.] And "Mr. Peters moved the court in the Painted Chamber as a messenger from the King that the King desired he might speak with his chaplains that come unto him privately. But the House of Commons having taken that into their consideration, the court conceived it not proper for them to intermeddle therein."

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[In the Painted Chamber the Commissioners, revoking their previous decision to meet in Westminster Hall, decided to meet again at nine o'clock the next day in the same place and to examine witnesses "*ex abundanti* only, for the further satisfaction of themselves" as to the truth of the facts laid down in the "charge." Twenty-nine witnesses were also produced and sworn to give evidence on the morrow, and a committee was appointed to hear their evidence. Of this committee, three were to be a "quorum." The evidence taken on the 24th and 25th, though it necessitated morning and afternoon sittings in the Painted Chamber, is of little interest, the facts laid down in the charge needing no proof, but will be found in Appendix A.

The King had written out his reasons for objecting to the Court. They have been many times printed, but will be found in Appendix B.

In the Painted Chamber on the morning of the 25th, 31 Commissioners were present. Amongst the orders then made, the Dean's house in Westminster Abbey was to be prepared for Bradshawe, and Major Fox of Bradshawe's guard having been arrested (for what reason does not appear) and committed to Ludgate, the keeper of Ludgate was ordered to appear and to bring Fox with him.

Evidence of witnesses was then taken at length to prove the charge. At the afternoon sitting on the same day 47 Commissioners were present.

The Journal then terminates its account of this day's proceedings with the following:]

"The Court taking into consideration the whole matter in charge against the King passed these votes following, as preparatory to the sentence against the King, but ordered that they should not be binding finally to conclude the court.

"Resolved upon the whole matter that this court will proceed to sentence of condemnation against Charles Stuart, King of England.

"Resolved that the condemnation of the King shall be for a tyrant, traitor and murderer.

"That the condemnation of the King shall be likewise for being a public enemy to the Commonwealth of England. That this condemnation shall extend to death.

"Memorandum that the last aforementioned (47) commissioners were present at these votes.

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"The court being then moved concerning the deposition and deprivation of the King before and in order to that part of his sentence which concerned his execution thought fit to defer the consideration thereof until some other time. And ordered the draft of a sentence grounded upon the said votes to be accordingly prepared by Mr. Scott, Mr. Martin, Col. Harrison, Mr. Lisle, Mr. Say, Commissioner General Ireton and Mr. Love or any three of them, with a blank for the manner of his death.

"Ordered that the members of the court who are in and about London and are not now present be summoned to attend the service of this court the morrow at one of the clock in the afternoon. For whom summonses were issued forth accordingly."

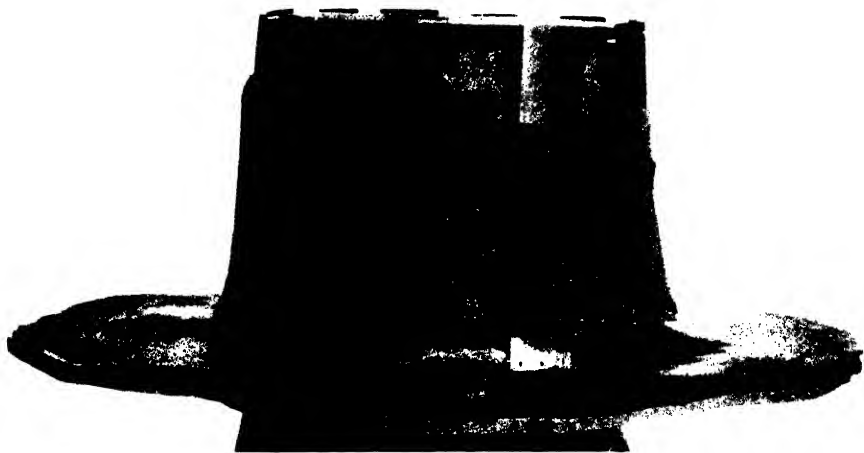
[On the next day, Friday the 26th, the Commissioners accordingly met in the Painted Chamber. In spite of the renewed summonses sent out only 63 attended, including Bradshawe. After the customary proclamations and roll call, these sat "private." The draft sentence was then debated, amended, and ordered to be engrossed; and the King was ordered "to be brought to Westminster Hall tomorrow to receive his sentence." No other votes passed, and they were first to meet at ten o'clock the next day in the Painted Chamber. Sir William Dugdale says that the suggestion was made that the King should be brought clad in his robes and wearing his crown, to receive his sentence,² but, of course, the Journal at no times throws any light upon the proposals of the more violent members of the Commission.

The Commissioners, however, did not sit in private in the Painted Chamber without interruption on this last day. Henry Walker wrote that, on the 26th: "Mrs. Pope (who it is said hath laid several sums of monies amounting to £15 or more, that the King will be restored to all his dignities within 6 weekes) and Mrs. Levington (not she that was the Lady Obondy) have attempted to the high court of justice to plead in behalf of the King but were put out."³

Mistress Mary Pope, who lived at the sign of the Harrow in Friday Street, was a strong Churchwoman, and on 29th November, 1647, had published a "Treatise of Magistracy," dedicating it to the King and to the Lords and Commons in Parliament. Few will be found nowadays to agree with her theories that the King

² Diary of Sir William Dugdale, p. 96.

³ "Perfect Occurrences" for the 26th January-2nd February.



Bradshaw's bullet-proof hat
(Now in the Tylorian Museum, Oxford).

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was "Bishop, Elder and Steward" of all the churches in the three kingdoms, or that the ministers were ordained by his commission. On 24th January she issued two more tracts, "Behold here is a word," an answer to the Army's Remonstrance, and "Heare, heare, heare, heare, a word or a message from Heaven," addressed to all Covenant breakers. Both are appeals on behalf of the King, and called down Divine judgment upon the breakers of the Covenant.

The lady "Obondy" was the Lady Aubigny, who had recently married Lord Newburgh (whose title was not acknowledged by Parliament). They had provided a swift racehorse for the King's escape on his way from their house, "The Lodge," at Bagshot, to Windsor, but unfortunately the horse was lamed and the plan failed.

Whether these ladies were handled after the same rough fashion as Lady De Lille there is nothing to show, but the expression "put out" connotes some violence. No other journalist mentions this incident.]

The Last Day—27th January.

John Downes Intervenes.

[On this day, Saturday, 27th January, was published the most important manifesto yet issued by the Presbyterian clergy of London. It was entitled "A Vindication of the Ministers of the Gospel in and about London, from the unjust aspersions cast upon their former actings for the Parliament, as if they had promoted the bringing of the King to Capital punishment," &c. Fifty-eight parish ministers in and around London appended their names to this document, many of them being still remembered with respect by Nonconformists. This document is reprinted in vol. v. of the Somers Tracts.

The day was not an auspicious one for Bradshawe, for his first rebuke, according to Sir Roger Manley, proceeded from his own wife. "She," says Sir Roger, "the morning of the day that the King was sentenced, rushing into her husband's chamber, fell upon her knees at his feet and dissolved into tears and sighs,

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besought her husband that he would have nothing to do with his Majesty, nor sentence this earthly King, for fear of the dreadful sentence of the King of Heaven. 'You have no child,' said she, 'and why should you do so monstrous an act to favour others.' But Bradshawe, bidding her go about her business, added 'I confess he hath done me no harm, nor will I do him any, but what the Law commands.'"⁴

Four years later on the same Army that had turned out the secluded members, turned out the Army Parliament itself, on the ground (true enough) that it was no Parliament but an oligarchy seeking to perpetuate itself. Bradshawe's comment on that occasion deserves recalling, "If this is no Parliament, then am I the King's murderer."

At the preliminary meeting in the Painted Chamber on this day, 68 of the Commissioners attended, including Cromwell and Ireton. The sentence upon the King, ordered to be engrossed on the 26th, was first read and ordered to be read and published in Westminster Hall. The customary instructions giving discretion to Bradshawe to manage the proceedings were then agreed, with three resolutions, proving that even now all hope had not been abandoned of compelling the King to acknowledge them as a court.

"That, in case the King shall submit to the jurisdiction of the court and pray a copy of the charge that then the court do withdraw and advise.

"That, in case the King shall move anything else worth the courts consideration, that the lord president upon advice of the said assistants, do give order for the courts withdrawing to advise.

"That, in case the King shall not submit to answer and there happen no such cause of withdrawing, that then the lord president do command the sentence to be read; but that the lord president should hear the King say what he would before the sentence and not after."

With these instructions before us, it is easy to understand all that was said and done in the hall. In Westminster Hall, when the King came in, with his hat on, as usual, the soldiers were ordered to add "Execution," "Execution," to their cry of "Justice," "Justice." Sixty-seven Commissioners were present in the hall.]

⁴ Sir Roger Manley's "De Rebellione" (1686). Sir Roger died in 1688, and an English translation of this book appeared in 1691. The book is very accurate, but has been quite forgotten.

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27° Jan 1648 post meridiem.

The Lord President in a scarlett roabe and the rest of the Commissioners come together from the Painted Chamber to Westminster Hall, according to their adiournment and take their seats there, as formerly, and three Proclamacons being made for attendance and silence the Court is called.

Commissioners present.

John Bradshaw, Seriant at Lawe, Lord President of this Court.			
John Lisle	} Esqrs.	Francis Allen	} Esqrs.
William Say		Perigrine Pelham	
Oliver Cromwell		Daniell Blagrove	
Henry Ireton		Valentine Wautou	
Sir Hardres Waller Knt.		Thomas Harrison	
Sir John Boucher Knt.	} Esqrs.	Edward Whaley	} Esqrs.
Will. Heveningham Esq.		Thomas Pride	
Isacke Pennington		Isacke Ewers	
Alderman of London		Tho. Lo. Gray of Grooby	
Henry Martin		Sir John Davers	
William Purefoy	} Esqrs.	Sir Tho. Mallevery Bar.	} Esqrs.
John Berksted		John Moore	
Mathew Tomlinson		John Aldred	
John Blackiston		Henry Smith	
Gilbert Millington		Houmfrey Edwards	
Sir Will. Constable Bar.	} Esqrs.	Gregory Clement	} Esqrs.
Edmond Ludlow		Thos. Wogan	
John Hutchinson		Sir Gregory Norton Bar.	
Sir Michell Livesley Bar.		Edmond Harvey	
Robert Tichborne		John Venn	
Owen Roe	} Esqrs.	Thomas Scott	} Esqrs.
Robert Lilborne		Thomas Andrews	
Adrian Scroope		Alderman of London	
Richard Deane		Will Cawley	
John Okey		Anthony Stapley	
John Hughson		John Downes	} Esqrs.
Will. Goff		Thomas Horton	
Cornelius Holland		Thomas Hamond	
John Carey		Nicholas Love	
John Jones		Vincent Potter	
Miles Corbett		Augustine Garland	
John Dixwell		James Temple	
George Fleetwood		Peeter Temple	
Symon Meyne		Thomas Waite	

The prisoner is brought to the bar and Proclamation is again (as formerly) made for silence and the Captain of the guard ordered to take into his custody all such as should disturb the court. The lord president stood up with an intention of address to the people and not to the prisoner, who had so often declined the jurisdiction of that court.

Bradshawe: Gentlemen——

The King: I shall desire a word to be heard a little; and I hope I shall give no occasion of interruption.

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Bradshawe: You may answer in your time. Hear the court first.

The King: If it please you, Sir, I desire to be heard; and I shall not give any occasion for interruption; and it is only in a word. A sudden judgment——

Bradshawe: Sir, you shall be heard in due time; but you are to hear the court first.

The King: Sir, I desire; it will be in order to what I believe the court will say; and therefore Sir—A hasty judgment is not so soon recalled.

Bradshawe: Sir, you shall be heard before the judgment be given; and in the meantime you may forbear.

The King: Well Sir, I shall be heard before the judgment be given?

Bradshawe: You shall. Gentlemen, it is well known to all or most of you here present that the prisoner at the bar hath been several times convented and brought before the court, to make answer to a charge of treason and other high crimes exhibited against him in the name of the people of England——

[Bradshawe was now addressing the people. Disguised in masks upon this occasion, Lady Fairfax and Mrs. Nelson sat in Bodurdo's gallery and headed the uproar which followed these words. According to one witness they cried out, "It is a lie; where are the people or their consents," or, as other witnesses say, "Not half or a quarter of them. Oliver Cromwell is a traitor." Axtell ordered his men to present their muskets at the ladies and commanded them to unmask, shouting out, "Shoot them if they say one word more. What drab is that that disturbs the court; come down or I will fetch you down." Another witness stated he cried, "Down with the whores—shoot them!" In a few minutes Dendy came up to know what it was that had contradicted Bradshawe. But by that time the ladies had retired into Bodurdo's house and did not return. This incident is often confused with Lady Fairfax's interruption on the first day, but took place on this day. C. W.'s print of the "trial"⁵ draws

⁵ "Exact and most impartial accmpt," pp. 190-4. See also "King Charles, his Tryall," second edition. "Printed for Peter Cole" and others. "Here a malignant lady interrupted the court, saying 'Not half the people,' but she was soon silenced." Probably for this passage Peter Cole and the others were arrested on 19th November, 1649, and brought before Bradshawe and a Committee. (See Cal.S.P.Dom. 1649-50, pp. 401 and 555.)



Thomas, third Lord Fairfax, and Anne Vere, his wife
(By William Dobson. In the National Portrait Gallery).

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special attention in a marginal note to this interruption by a "malignant lady" on this day and at this point.]

Bradshawe then went on: To which charge, being required to answer he hath been so far from obeying the commands of the court by submitting to their justice as he began to take upon him to offer reasoning and debate to the authority of the court and to the highest court that appointed them to try and judge him. But, being overruled in that and required to make his answer, he was still pleased to continue contumacious and to refuse to submit to answer. Hereupon the court that they might not be wanting to themselves, nor the trust reposed in them nor that any man's wilfulness prevent justice, have thought fit to take the whole matter into their consideration. They have considered of the charge; they have considered of the contumacy and of that confession which in law doth arise upon that contumacy; they have likewise considered of the notoriety of the fact charged upon this prisoner. And upon the whole matter they are resolved and are agreed upon a sentence to be pronounced against this prisoner. But in respect he doth desire to be heard before the sentence be read and pronounced the court hath resolved that they will hear him. [A marginal note states "Here the lord president applied himself to the prisoner."] Yet Sir, this much I must tell you beforehand, which you have been minded of at other courts. That if that which you have to say be to offer any debate concerning jurisdiction you are not to be heard in it. You have offered it formerly and you have indeed struck at the root, that is the power and supreme authority of the Commons of England, which this court will not admit a debate of, and which were indeed an irrational thing in them to do, to give way or to admit of any debate at all concerning their superiors, being a court that acts upon authority derived from them; that they should presume to judge upon their power from whom they derive and from whom there is no appeal. But, sir, if you have anything to say in defence of yourself concerning the matter charged, the court hath given me in command to let you know they will hear you.

The King: Since I see that you will not hear anything of debate concerning that (which I confess) I thought most material for the peace of the kingdom and for the liberty of the subject, I shall waive it, I shall speak nothing to it. Only I must tell you, that this many a day all things have been taken from me, but that, that is much dearer to me than my life, which is my

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conscience and my honour. And if I had a respect to my life more than the peace of the kingdom and the liberty of the subject certainly I must have made a particular defence for myself, for by that at leastwise I might have delayed an ugly sentence which I believe will pass upon me. Therefore, certainly sir, as a man that hath some understanding, some knowledge of the world, if that my true zeal to my country had not overborne the care that I have for my own preservation, I must have gone another way to work than that I have done. Now sir, I conceive that a hasty sentence once passed may sooner be repented of than recalled. And truly the self same desire that I have for the peace of the kingdom and the liberty of the subject more than my own particular ends makes me now at last desire that I, having something to say that concerns both, I desire before sentence be given that I may be heard in the Painted Chamber before the Lords and Commons. This delay cannot be long, this delay cannot be prejudicial to you, whatsoever I say. If that I say no reason, those that hear me must be judges, I cannot be judge of that that I have. If it be reason and really for the welfare of the kingdom and the liberty of the subject I am sure on't it is very well worth the hearing. Therefore I do conjure you, as you love that that you pretend (I hope it is real) the liberty of the subject, the peace of the kingdom, that you will grant me this hearing before any sentence be past. I only desire this, that you will take this into your consideration; it may be you have not heard of it beforehand. If you will, I will retire, and you may think of it. But if I cannot get this liberty, I do protest that these fair shows of liberty and peace are rather specious shows than otherwise and that you will not hear your king.

Bradshawe: Sir, you have now spoken?

The King: Yes, sir.

Bradshawe: And this that you have said is a farther declining the jurisdiction of this court, which was the thing wherein you were limited before.

[To his vexation, no doubt, Bradshawe now again was checked. John Downes sat behind him, between Cawley and Col. Wauton, and was much moved by the King's appeal. "Have we hearts of stone? Are we men?" said he to his neighbours. They tried to pacify him, telling him he would ruin both himself and them. Downes answered, "If I die for it, I must do it." Perhaps because he noticed this altercation, the King went on.]

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The King: Excuse me, sir, I pray you excuse me, sir, for my interruption, because you do mistake me. It is not a declining of it; it is not, I assure you, sir. You do judge me before you hear me speak. I say it will not, I do not decline it; though I cannot acknowledge the jurisdiction of the court. Yet sir, in this give me leave to say I would do it, though I did not acknowledge it. In this I protest it is not the declining of it, since I say that if I do not say anything that is for the peace of the kingdom and the liberty of the subject then the shame is mine. Now I desire that you will take this into your consideration; if you will, I will withdraw.

[In 1660 Downes printed a narrative of all that then took place, by way of mitigation of the charge of high treason then threatening him. Downes states that Cromwell sat just before him and asked him "What ails thee? Art thou mad? Canst thou not sit still and be quiet?" "Sir," replied Downes, "No, I cannot be quiet." He then rose to his feet, saying audibly to all the court, "I am not satisfied to give my consent to this sentence, but have reasons to offer to you against it. And I desire the court may adjourn to hear me." "Nay," replied Bradshawe; "if any of the court be unsatisfied, the court must adjourn." It is probable, therefore, that the following two speeches by Bradshawe were not really delivered by him, but were inserted in order to conceal the real reason for the adjournment, Downes's intervention not being so much as mentioned in any one of the reports of the trial, printed or manuscript.]

Bradshawe: Sir, this is not altogether new that you have moved to us, not altogether new to us, though the first time in person you have offered it to the court. You say you do not decline the jurisdiction of the court?

The King: Not in this that I have said.

Bradshawe: I understand you well, Sir. But nevertheless that which you have offered seems to be contradictory to that saying of yours. The court is ready to give a sentence. It is not as you say, that they will not hear their king. For they have been ready to hear you. They have patiently waited your pleasure for three courts together, to hear what you would say to the people's charge against you. To which you have not vouchsafed to give any answer at all. Sir, this sounds to a further delay. Truly Sir, such delays as these neither may the kingdom

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nor justice well bear. You have had three several days to have offered in this kind what you would yourself. This court is founded upon that authority of the Commons of England, in whom rests the supreme jurisdiction. That which you now tender is to have another jurisdiction and a co-ordinate jurisdiction. I know very well you express yourself, Sir, that notwithstanding you did offer to the Lords and Commons in the Painted Chamber, yet nevertheless you would proceed as here. I did hear you say so. But, Sir, that you would offer there, whatever it is, must needs be in delay of the justice here. So as if the court is resolved and prepared for the sentence this that you offer they are not bound to grant. But, Sir, according to that you seem to desire and because you shall know the further pleasure of the court upon that which you have moved, the court will withdraw for a time.

The King: Shall I withdraw?

Bradshawe: Sir, you shall know the pleasure of the court presently. The court withdraws for half an hour into the court of Wards. Serjeant-at-arms, the court gives command that the prisoner be withdrawn until they give order for his return again.

[“When the court was sate there (in the court of Wards),” goes on Downes, “all but members and some officers being turned out, I was called by Cromwell to give an account why I had put this trouble and disturbance upon the court. I answered, and so near as I possibly can, after so great an elapse of time, I will set down my very syllabic expressions. ‘My lord president (i.e., Bradshawe) I should have been very glad that his Majesty would have condescended to these expressions long before this time. I say I should have been glad of it, both for his own sake and for ours. But, Sir, to me they are not too late, but welcome now, for, Sir, God knows I desire not the King’s death but his life. All that I thirst after is the settlement of the nation in peace. His Majesty now doth offer it and in order to it desires to speak with his Parliament. Should you give sentence of death upon him before you have acquainted the Parliament with his offers, in my humble opinion your case will be much altered and you will do the greatest action upon the greatest disadvantage imaginable and I do not know how ever you will be able to answer it.’”

“Cromwell in some scornful wrath stood up and answered

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me, so near as I can remember, in these words: ' My lord president, you see what weighty reasons this gentleman hath produced that should move him to put this trouble upon you. Surely this gentleman doth not know that he hath to deal with the hardest hearted man upon the earth. However, Sir, it is not the single opinion of one peevish tenacious man that must sway the court, nor deter them from their duty in so great a business. And I wish his conscience doth not tell him, whatever he pretends of dissatisfaction, that he only would save his old Master. Therefore, Sir, I pray you lose no more time, but return to the court and do your duty.'

" Not one soul would second me or speak one word," Downes continues, " yet I knew divers by name, Sir John Bourchier, Mr. Dixwell, Mr. Love, Mr. Waite and some others were much unsatisfied, yet durst not speak, but on the contrary divers members took their turn with me in private discourse. Cromwell himself whispered me in the ear and said by this and Mr. Fries^a business he was satisfied I aimed at nothing but making a mutiny in the Army and cutting of throats; another told me the generations to come would have cause to curse my actings; and another, which sunk deepest of all, told me that if I were in my wits I would never have done this, seeing I was before, as indeed I was, acquainted that the King to save his life would make these offers, but it would be as much as my life were worth to make any disturbance; and besides, said he, it is not in the power of man nor of this Parliament to save his life, for the whole Army are resolved that if there be any check or demur in giving judgment, they will immediately fall upon him and hew him to pieces, and the House itself will not be out of danger.

" To those whose height would permit me to speak and make replies, I told them to me it was evident that Parliament expected some such offers from the King; why else did they make that order, that upon any emergency which could not be thought of that the court should immediately acquaint the House therewith. And there was such an order entered and to be seen in the books, if he (Cromwell) who in appearance ordered all matters, hath

^a i.e., John Fry, also nominated a Commissioner, but who did not act. Fry had been accused by Downes of blasphemy. See his "The Accuser shamed," published a week or two later on. Eventually, on 24th February, 1651, the House condemned Fry, ordered his books to be burnt, and expelled him.

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not torn that order out, as I have heard he hath done all the rest of the proceedings.”⁷

In the end Downes quitted the Painted Chamber, retired to the Speaker's house in tears, and took no further part in the proceedings. Yet as he had been weak enough to allow himself to be brow-beaten into sitting as a Commissioner, so also he was weak enough to sign the King's death warrant. He, therefore, was one of the regicides tried in 1660, but a number of affidavits in support of his printed account of all that took place upon the day of sentence was presented to the House of Lords in 1660, and, accordingly, with Fleetwood and others, he was one of the regicides to whom the death penalty was ordered not to extend. After his conviction in October, 1660, he was released upon security to reappear if required, and was pardoned by Charles II., in 1664, together with Fleetwood.⁸ Later on, he obtained permission to leave England, and probably ended his days in America.

In half an hour's time Bradshawe and the rest returned, the King was then sent for, and Bradshawe again spoke.]

Bradshawe: Sir, you were pleased to make a motion here to the court, or an offer or a desire of yours touching the propounding of somewhat to the Lords and Commons in the Painted Chamber for the peace of the Kingdom. Sir, you did in effect receive an answer before the court adjourned. Truly, Sir, their withdrawing and adjournment was *pro forma tantum*, for it did not seem to them that there was any difficulty in the thing. They have considered of what you have moved and have considered of their own authority, which is founded, as hath been often said, upon the supreme authority of the Commons of England assembled in Parliament. The court acts accordingly to their commission. Sir, the return I have to you from the court is this. That they have been too much delayed by you already and this that you now offer

⁷ "A True and humble representation of John Downes Esq.," &c. (1660). See also his trial in the "Exact and impartial accompt." It is well known that the Journals of the House of Commons at this time are singularly lacking in information.

⁸ An undated newsletter in the "Collections" of the Massachusetts Historical Society, fourth series, vol. viii., states on p. 187 that "the King hath pardoned Downes and one Fleetwood." For his release on bail, see Cal.S.P.Dom., 1661-1662, p. 245. The statements in the life of Downes in the "Dictionary of National Biography" to the effect that he was in prison as late as 1667 have been caused by the mistakes in the Calendars of Domestic State Papers. The list of prisoners calendared in the volume for 1666-7 is not dated 1666, but 1660. The Calendar also confuses John Downes with Bartholomew Downes, the printer.

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hath occasioned some little farther delay. And they are judges appointed by the highest authority. And judges are no more to delay than they are to deny justice. They are good words in the great old charter of England, *Nulli vendemus, nulli negabimus, aut differimus justitiam, vel rectum*. There must be no delay. But the truth is, Sir, and so every man here observes it, that you have much delayed them in your contempt and default, for which they might long since have proceeded to judgment against you. And notwithstanding what you have offered, they are resolved to proceed to sentence and judgment and that is their unanimous resolution.

The King: Sir, I know it is in vain for me to dispute. I am no sceptic for to deny the power that you have. I know that you have power enough. Sir, I confess I think it would have been for the kingdom's peace if you would have taken the pains to have shown the lawfulness of your power. For this delay that I have desired, I confess it is a delay. But it is a delay very important for the peace of the kingdom. For it is not my person that I look at alone, it is the kingdom's welfare and the kingdom's peace. It is an old sentence, that we should think on long before we resolve of great matters suddenly. Therefore, sir, I do say again that I put at your doors all the inconveniency of a hasty sentence. I confess I have been here now, I think, this week, this day ~~eight~~ ^{eight} days was the day I came here first. But a little delay of a day or ~~two~~ further may give peace, whereas a hasty judgment may bring on that trouble and perpetual inconveniency to the kingdom that the child that is unborn may repent it. And, therefore, again, out of the duty I owe to God and my country, I do desire that I may be heard by the Lords and Commons in the Painted Chamber or other where else you shall appoint.

Bradshawe: You have been already answered to what you have even now moved, being the same you moved before; you had the resolution and judgment of the court in it. And the court now requires to know whether you have anything more to say than you have said before why they should not proceed to sentence.

The King: I say this again, Sir. That if you will hear me, if you will give me but this delay, I doubt not but I shall give some satisfaction to all here and to my people after that. And therefore I do require you, as you will answer it at the dreadful Day of Judgment, that you will consider it once again.

Bradshawe: Sir, I receive direction from the court.

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The King: Well, Sir.

Bradshawe: Sir, this I have in charge from the court that if this must be reinforced, or any thing of this nature, your answer must be the same. And they will proceed to sentence, if you have nothing more to say.

The King: I have nothing more to say. But I shall desire that this may be entered what I have said.

Bradshawe Quotes "Severall Speeches" and Sentences the King.

Bradshawe: The court then, Sir, hath something to say unto you, which, although I know it will be very unacceptable, yet notwithstanding they are willing and are resolved to discharge their duty. Sir, you speak very well of a very precious thing that you call Peace, and it had been much to be wished that God had put it into your heart that you had as effectually and really endeavoured and studied the peace of the kingdom, as now in words you seem to pretend. But, as you were told the other day, actions must expound intentions; your actions have been clean contrary. And truly, Sir, it doth appear plainly enough to them that you have gone upon very erroneous principles. The Kingdom hath felt it to their (sic) smart, and it will be no ease to you to think of it. For, Sir, you have held yourself and let fall such language as if you had been no ~~ways~~ subject to the law, or that the law had not been your superior. Sir, the court is very well sensible of it and I hope so are all the understanding people of England, that the law is your superior, that you ought to have ruled according to the law—you ought to have done so. Sir, I know very well your pretence hath been that you have done so. This is according to your sense. But, Sir, the difference hath been, who shall be the expositors of this law, whether you and your party, out of courts of Justice, shall take upon them to expound the law, or the courts of Justice, that are the expounders. Nay, the sovereign and highest court of Justice, the Parliament of England, that is not only the highest expounder but the sole maker of the law. Sir, for you with your single judgment and those that adhere unto you to set themselves against the resolution of the highest court of justice, that is not law. Sir, as the law is your superior, so truly, Sir, there is something that is superior to the law, and which is indeed the parent or

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author of the law, and that is the people of England. For, sir, as they are those that at the first, as other countries have done, did choose to themselves this form of government, even for justice sake, that justice might be administered, that peace might be preserved, so, Sir, they gave laws to their governors, according to which they should govern, and if these laws should have proved inconvenient, or prejudicial to the public they had a power in them, a power reserved and innate to alter them as they should see cause. Sir, it is very true what some of your side have said, "*Rex non habet parem in regno suo*," say they. This court will say the same (whilst king) that you have not your peer in some sense, for you are *major singulis*. But they will averre again that you are *minor universis*. And the same author tells you that⁹ *in exhibitione juris* here you have no peere, but that *in justitia suscipiendo* you are *quasi minimus*. This we know to be law, *rex habet superiorem Deum et legem, etiam et curiam suam, Barones*, etc., and so saith the same author, and truly, Sir, he make bold to go a little further. If the King be without a bridle, then *debent ei ponere frenum*, they ought to bridle him.¹

^v In the printed report of this speech a line is left blank at this point. The reprint in "State Trials" fills in this blank, and thus is in conflict with "Bradshawe's Journal."

¹ As Bradshawe at this point cites the mediæval lawyer, Henry de Bracton, who died in 1268, it will be well to set out the context from which he has torn the words he quotes.

Bracton, *Lib. II. c. 16* (ed. Twisse, vol. i., pp. 38-41). The words italicised are those cited out of their context: "*Pare[m] autem non habet in regno suo, quia sic amitteret præceptum, cum par in parem non habet imperium. Item nec multo fortius superiorem nec potentior[m] habere debet, quia sic esset inferior sibi subjectis, et inferiores pares esse non possunt potentioribus. Ipse autem rex non debet esse sub homine, sed sub Deo et sub lege, quia lex facit regem. Attribuat igitur rex legi, quod lex attribuat ei, videlicet dominationem et potestatem, non est enim rex ubi dominatur voluntas et non lex. . . . Sic et Beata Dei genitrix, Virgo Maria, mater Domini, quæ singulari privilegio supra legem fuit, pro ostendendo tamen humilitatis exemplo legalibus subdi non refugit institutis. Sic ergo rex, ne potestas sua maneat infrenata, igitur non debet esse major eo in regno suo in exhibitione juris, minimus autem debet, vel quasi, in iudicio suscipiendo si petat. Si autem ab eo petatur (cum breve non currat contra ipsum) locus erit supplicationi, quod factum suum corrigat et emendet, quod quidem si non fecerit, satis sufficit ei ad pœnam, quod Dominum expectet ultorem. Nemo quidem de factis suis presumat disputare multo fortius contra factum suum venire."*

Ibid., Lib. II. c. 16 (Twisse, vol. i., p. 268): "*Rex autem habet superiorem, Deum s. Item legem p. quam factus est rex. Item curiam suam, videlicet Comites, Barones, quia Comites dicuntur quasi socii regis et qui habet socium habet magistratu[m], et ideo si rex fuerit sine freno, i. sine lege, debent ei frenum ponere, nisi ipsimet fuerint cum rege sine freno, et tunc clamabunt subditi et dicent Dne, Jesu Christe, in chamo et freno maxillas eorum costringe."*

Ibid., Lib. III., tract i., c. 9 (Twisse, vol. ii., p. 172), further explains Bracton's meaning: "*Pare[m] autem habere non debet, nec multo fortius*

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And, Sir, we know very well the stories of old, those wars that were called the Barons' wars, when the nobility of the land stood up for the liberty and property of the subject and would not suffer the Kings that did invade them to play the tyrants freely, but called them to account for it. We know that true, that they did at that time *frenum ponere*. But, Sir, if they do forbear to do their duty now and are not so mindful of their own honour and the kingdom's good, as the Barons of England of old were, certainly the Commonwealth of England will not be unmindful of what is for their preservation and for their safety. *Iustitiæ fruendæ causâ olim reges bene notati (sic) constituti sunt*. This we learn, the end of having kings or any other governors is for the enjoying of justice, that's the end.

[At this point Bradshawe, no doubt to the great pride of Henry Walker, who was present, quotes, or rather misquotes, from Walker's piracy of Father Persons's book under the title of "Severall Speeches at a Conference." The original passage (on p. 10) of this runs as follows: "We see what authority in this case (the jurisdiction of the Ephori over kings) and what their meaning was in making laws and restraining their kings power, to wit, thereby the more to bind them to do justice, which Cicero in his Offices uttereth in these words, '*Iustitiæ fruendi (sic) causâ apud majores nostros et in Asia et in Europa, bene morati Reges olim sunt constituti.*'" Again, on p. 23 of the same book: "As I showed out of Cicero, speaking of the first kings, '*Iustitiæ fruendæ causâ bene morati reges olim sunt constituti,*' for enjoying of justice were kings appointed in old times that were of good life."²]

Now, Sir, if so be the King will go contrary to that end, or any other governor will go contrary to the end of his government, Sir, he must understand that he is but an officer in trust

superiorem, maxime in iustitia exhibendâ, ut dicatur vere de eo, magnus dominus noster, et magna virtus ejus etc. Licet in iustitia recipienda minime de regno suo comparetur, et licet omnes potentia præcellat, tamen (cum cor regis in manu Deo esse debeat) ne sit ineffrænata, frenum apponat temperantiæ, et lora moderantiæ, ne cum ineffrænata sit, trabatur, ad injuria."

These are Bradshawe's sole original quotations. Bracton would have been horrified had he seen the manner in which his words were twisted.

² The full passage in Cicero, De Officiis (Lib. II. c. 12), runs: "Mihi quidem non apud Medos solum, ut ait Herodotus, sed etiam apud maiores nostros iustitiæ fruendæ causâ videntur olim bene morati reges constituti." I must remind my readers that Cicero was an opponent of democracy, and even of the ballot.

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and he ought to discharge that trust for the people, and if he do not they are to take order for the animadversion and punishment of such an offending governor. This is not the law of yesterday, Sir, since the time of the division between you and the people, but it is law of old. And we know very well the authors and authorities that do tell us what the law was in that point upon the election of kings, upon the oath that they took unto their people.

[That is in the "Fifth Speech" of Walker's book, pp. 23-44: "The Coronation of Princes, and manner of admitting to their authority and the oaths they do make in the same, unto the Commonwealth for their good government."]

And if they did not observe it there were those things called Parliaments. The Parliaments were they that were to adjudge (the very words of the author) the complaints and wrongs done by the King and Queen or their children, such wrongs especially when the people could have no where else any remedy. Sir, that hath been the people of England's case; they could not have their remedy elsewhere but in Parliament.

[Speech IV. in "Severall Speeches" is now entirely relied upon. Walker's heading to this in his title page runs: "The lawfulness of proceedings against Princes; what interest Princes have in their subjects goods or lives; how oaths do bind, or may be broken by subjects towards their princes, and, finally, the difference between a good King and a tyrant." Pages 23-44 of the book are filled with the learned historical arguments of this section.]

Sir, Parliaments were ordained for that purpose, to redress the grievances of the people. That was their main end. And truly, Sir, if so be that the kings of England had been rightly mindful of themselves they were never more in majesty and state than in the Parliament. But how forgetful some have been stories have told us. We have a miserable, a lamentable, a sad experience of it throughout all England. I speak these things the rather to you because you were pleased to let fall the other day, you thought you had as much knowledge in the law as most gentlemen in England. It is very well, Sir. And truly, Sir, it is very fit for the gentlemen of England to understand that law under which they must live and by which they must be governed. But you know, Sir, what the Scripture says, "They that know their

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master's will and do it not." What follows? The law is your master.

Parliaments were to be kept anciently we find in our old authors twice in the year, that the subject upon any occasion might have a ready remedy and redress for his grievance. Afterwards by several Acts of Parliament in the days of your predecessor Edward III., they could be had but once a year. Sir, what the intermission of Parliament hath been in your time it is very well known, and the sad consequences of it. And what in the interim instead of these Parliaments hath been by you an high and arbitrary hand introduced upon the people, that likewise hath been too well known and felt. But when God by his providence had so far brought it about that you could no longer decline the calling of a Parliament, Sir, yet it will appear what your ends were against your ancient and native kingdom of Scotland, the Parliament of England not serving your ends against them, you were pleased to dissolve it. Another great necessity occasioned the calling of this Parliament, and what your designs and plots and endeavours all along hath been for the crushing and confounding of this Parliament hath been very notorious to the whole kingdom. And truly, Sir, in that you did strike at all; that had been a sure way to have brought about that, that this charge lays upon you, your intention to subvert the fundamental laws of the land. For the great bulwark of the liberties of the people is the Parliament of England. And by subverting and rooting up that, which your aim hath been to do, certainly at one blow you had confounded the liberties and the property of England.

Truly, Sir, it makes me call to mind, I cannot forbear to express it (for, Sir, we must deal plainly with you, according to the merits of your cause, so is our commission), it makes me call to mind (these proceedings of yours) that we read of a great Roman Emperor, by the way let us call him a great Roman tyrant, Caligula, that wish't that the people of Rome had but one neck that at one blow he might cut it off. And your proceedings hath been somewhat like to this. For the body of the people hath been (and where else) represented best in the Parliament, and could you but have confounded that you had at one blow cut off the neck of England. But God hath reserved better things for us and hath pleased for to confound your designs and to break your forces and to bring your person into custody, that you might be responsible to justice.

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Sir, we know very well that it is a question much on your side pres't, by what precedent we shall proceed. Truly, Sir, for precedent I shall not upon these occasions institute any long discourse, but it is no new thing to cite precedents almost of all nations where the people (when power hath been in their hands) have made bold to call their kings to account, and where the change of government hath bin upon occasion of the tyranny and misgovernment of those that have been placed over them. Sir, I will not spend time to mention either France or Spain, or the Empire or other countries, volumes may be written of it. But truly, Sir, that of the kingdom of Arragon,³ I shall think some of us hath thought upon it, where they have the justice of Arragon that is a man *tanquam in medio positus* betwixt the King of Spain and the people of the country [so Mariana states] that if wrong be done by the King, he that is the King of Arragon, the justice hath power to reform the wrong. And he is acknowledged to be the King's superior and is the grand preserver of their privileges and hath prosecuted Kings upon their miscarriages.

Sir, what the tribunes of Rome were heretofor to the Roman Commonwealth and what the Ephori were to the Lacedemonian state, we know that is the Parliament of England to the English state. And though Rome seemed to lose its liberty when once the Emperors were; yet you shall find some famous acts of justice even done by the Senate of Rome—that great tyrant of his time Nero condemned and judged by his Senate. But truly, Sir, I should not need to mention these foreign examples and stories. If you step but over Tweed, you may find enough in your native kingdom of Scotland. If we look to your first King Fergusius that your stories make mention of, he was an elective king, he died and left two sons both in their minority, the kingdom made choice of their uncle his brother to govern in the minority. Afterwards, the elder brother giving small hopes to the people that he would rule or govern well, seeking to supplant that good uncle of his that governed them justly, they set the elder aside and took to the younger. Sir, if I should come to what your stories make mention of, you know very well you are the 109th King of Scotland, for not to mention so many kings as that

³ Mariana, "De rege et regis institutio," c. 8. "Rei publicæ aut Regis maior potestas est?" "In iis gentibus (Aragon, etc.) et ii quæ sunt similes, majorem reipublicæ quam Regum auctoritatem esse nemo dubitabit alioqui quomodo nisi maior esset, frænare eorum potentiam posset obsistere voluntati."

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kingdom according to their power and privilege have made bold to deal withal, some to banishment, some to imprisonment, and some to put to death, it would be too long. And as one of your own authors says, it would be too long to recite the manifold examples that your own stories make mention of of those dealt with in that kind. "*Reges*," etc., say they, "*ab initio legitimas creabimus*," we create kings at first. "*Leges illis et nobis æquas imposuimus*," we imposed equal laws upon them and upon ourselves, and as they are chosen by the suffrages of the people at the first, so upon just occasion by the same suffrages they may be taken down again.⁴ And we will be bold to say that no kingdom hath yielded more plentiful experience than your native kingdom of Scotland hath done concerning the deposition and the punishment of their offending and transgressing Kings, etc.

Sir, it is not farre to go for an example very near you, your grandmother set aside and your father an infant crowned. And the state did it. Here in England hath not been a want of some examples. They have sometimes been bold (the Parliament and the people of England) to call their Kings to account, as may appear if we look into the Saxons' time, the time before the Conquest. Since the Conquest there want not some precedents neither; King Edward the Second, King Richard the Second, were dealt with so by the Parliament as they were deposed and deprived.⁵ And truly, Sir, whoever shall look into their stories, they shall not find the articles that are charged upon them to come near to that height and fatal catalogue of heinous crimes that are laid to your charge.

Sir, you were pleased to say the other day where you are in descent and I did not contradict it. But take it altogether, Sir, you were as the charge speaks and no otherwise admitted King of England, but for that you were pleased then to allege, how that almost for a thousand years these things have been. Stories will tell you otherwise if you go higher than the time of the Conquest. If you come down since the Conquest you are the twenty-fourth King from William called the Conqueror, you shall find more than one half of them to come in by the state and not merely upon the point of descent. It were easy to be instanced to you; but time must not be lost in that way. And truly, Sir,

⁴ Buchanan, "De jure regni apud Scotos."

⁵ "Severall Speeches," p. 20.

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what a grave and learned judge in his time and well known to you once said and hath left it for posterity, that although there was such a thing as a descent many times, yet the Kings of England ever held the greatest assurance of their titles when they were declared and approved by Parliament. And, Sir, your oath, the manner of your coronation shows plainly touching the kings of England, although its true by law the next person in blood is by the law of descent usually designed, yet if there were just cause to refuse him, the people might do it. For there is a contract and bargain made between the King and his people, and the oath is taken for the performance, and certainly, Sir, the bond is reciprocal, for as you are their liege lord so they are your liege subjects. And we know very well that which hath been so much spoken of, *Ligeatitia (sic) est duplex et continet in se duplex ligamen*. Thus we know now, the one tie, the one bond, is the bond of protection that is due from the sovereign, the other is the bond of subjection that is due from the subject. Sir, if this bond be once broken, farewell Sovereignty. *Protectio trahit subjectionem, subjectio protectionem*.

These things may not be denied, Sir, I speake it the rather and I pray God it may work upon your heart that you may be sensible of your miscarriages. For whether you have bin (as by your office you ought to be) a protector of England, or the destroyer of England, let all England judge, or all the world that hath look'd upon it. Sir, though you have it by inheritance in the way that is spoken of, yet it must not be denyed that your office was an office of trust, and indeed an office of the highest trust lodged in any single person. For as you were the grand administrator of justice and others were as your delegates to see it done throughout your realms, if your great office were to do justice and preserve your people from wrong and instead of doing that you will be the greatest wrong doer your selfe. If instead of being a conservator of the peace you will be the grand disturber of the peace, surely this is contrary to your office, contrary to your trust. Now, Sir, if it be an office of inheritance as you speak of, your title by descent, let all men know that great offices are seizable and forfeitable as if you had it but for a year or for your life. Therefore, Sir, it will concern you waiving these subterfuges to take into your consideration your great miscarriages in this kind. Truly, Sir, I shall not particularize the many miscarriages of your reign whatsoever, they are famously known. It

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had been happy for the kingdom and happy for you too, if it had not been so much known and so much felt, as the story of your miscarriages must needs be and hath been already.

Sir, that we are now upon by the command of the highest court hath been and is to try and judge you for those great offences of yours. Sir, the charge hath called you Tyrant, a Traytor, a Murtherer, and a publicke enemy to the Commonwealth of England. Sir, it had been well if that any of these terms might rightly and justly have been spared, if any one of them at all.

The King: Hagh! [Not "Ha," as in the printed accounts.]

Bradshawe: Truly, Sir, we have been told, *Rex est dum bene regit, Tyrannus qui populum sibi creditum violenta opprimit dominatione*, and if so be that be the definition of a Tyrant,⁶ then see how you come short of it in your actions, whether the highest tyrant by that way of arbitrary government, and that you have fought for to introduce, and that you have fought to put, you were putting upon the people, whether that was not as high an act of tyranny as any of your predecessors were guilty of, nay, in many degrees beyond them.

Sir, the term traitor cannot be spared, we shall easily agree it must denote and suppose a breach of trust, and it must suppose it to be done by a superior, and therefore, Sir, as the people of England might have incurred that respecting you, if they had been truly guilty of it, as to the definition of law, so on the other side when you did break your trust to the kingdom, you did break your trust to your superior. For the kingdom is that for which you were trusted. And, therefore, Sir, for this breach of trust when you are called to account, you are called to account by your superiors, *cum rex a populo in iudicium vocatur, minor ad majorem in iudicium vocatur.*⁷ And, Sir, the people of England cannot be so far wanting to themselves God having dealt so miraculously and gloriously for them, they having power in their hands, and their great enemy, they must proceed to do justice to themselves and to you. Sir, the court could heartily desire that you would lay your hand upon your heart and consider what you have done amiss, that you would endeavour to make your peace with God. Truly, Sir, there are your high crimes, tyranny and treason. And there is a third charge too, if these had not been,

⁶ "Vindiciæ contra tyrannos."

⁷ This is a fabrication, and is nowhere to be found.

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and that is murther, which is laid to your charge. All the bloody murders that have been committed since this time that the division was betwixt you and your people must be laid to your charge. Even all those that have been acted or committed in these late wars. Sir, it is a hainous and crying sin, and truly, Sir, if any man will ask us what punishment is due to a murtherer, let God's law, let man's law, speak. Sir, I will presume that you are so well read in Scripture as to know what God himself hath said concerning the shedding of man's blood. Gen. 9, 35 Num. will tell you what the punishment is and which this court in behalf of the whole kingdom are sensible of, of that innocent blood that has been shed, whereby indeed the land still stands defiled with that blood, and as the text has it, it can no way be cleansed but with the shedding of the blood of him that shed this blood. Sir, we know no dispensation from this blood in that commandment, "Thou shalt do no murther." We do not know but that it extends to kings as well as to the meanest peasants, the meanest of the people, the command is universal. Sir, God's law forbids it, man's law forbids, nor do we know that there is any manner of exception, not even in man's laws for the punishment of murther in you. 'Tis true that in the case of kings, every private hand was not to put forth itself to this work for their reformation and punishment. But, Sir, the people represented having power in their hands, had there bin but one act of wilful murder by you committed had power to have convented you and to have punished you for it.

But then, Sir, the weight that lies upon you in all these respects that have bin spoken, by reason of your tyranny, treason, breach of trust and the murders that have bin committed, surely, Sir, it must drive you into a sad consideration concerning your eternal condition. As I said at first, I know it cannot be pleasing to you to heare any such things as these are mentioned to you from this court, for so we do call ourselves and justifie ourselves to be a court, and a high court of justice, authorized by the highest and súblimest [1] court of the kingdom, as we have often said. And though you do yet endeavour what you may to discount us, yet we do take knowledge of ourselves to be such a court as can administer justice to you and we are bound, sir, in duty so to do. Sir, all I shall say before the reading of your sentence it is but this. The court does heartily desire that you will seriously think of those sins that you stand guilty of. Sir, you said well

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to us the other day, you wish't us to have God before our eyes. Truly, Sir, I hope all of us have so. That God that we know is a King of Kings and Lord of Lords, that God with whom there is no respect of persons, that God that is the avenger of innocent blood. We have that God before us, that God that does bestow a curse upon them that withhold their hands from shedding of blood, which is in the case of guilty malefactors and those that do deserve death. That God we have before our eyes, and were it not that the conscience of our duty hath called us unto this place and this employment, Sir, you should have had no appearance of any court here. But, Sir, we must prefer the discharge of our duty unto God and unto the kingdom before any other respect whatsoever. And although at this time many of us, if not all of us, are severally threatened by some of your party what they intend to do, sir, we do here declare that we shall not decline or forbear the doing of our duty in the administration of justice even to you, according to the merit of your offence, although God should permit those men to effect that bloody design they have upon us. Sir, we will say and we will declare it as those children in the fiery furnace that would not worship the golden image that Nebuchadnezzar had set up, that their God was able to deliver them from the danger that they were near unto; but yet if he would not do it, yet notwithstanding that, they would not fall down and worship the image. We shall thus apply it, ~~that though~~ we should not be delivered from those bloody hands and hearts that conspire the overthrow of the kingdom in general, of us in particular, for acting in this great work of justice. Our God is able to deliver us, but if he will not though we were more to perish in the doing of our duty, yet by God's grace and God's strength we will go on with it. And this is all our resolutions. Sir, I say for yourself we do heartily wish and desire that God would give you a sense of your sins, that you might see wherein you have done amiss, that you may cry unto Him that God would deliver you from blood guiltiness. A good King was once guilty of that particular thing and but once,—a good King saving in the matter of Uriah. Truly, Sir, the story tells us that he was a repentant King, and it signifies enough that he had died for it but that God was pleased to accept of him and to give him his pardon. "Thou shalt not die, but the child shall die, for as much as thou hast given cause to the enemies of God to blaspheme." I shall not trouble you further, I shall——

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The King: I would desire only one word before you give sentence. And that is that you would hear me concerning those great imputations that you have laid to my charge.

Bradshawe: Sir, you must give me now leave to go on, for I am not far from your sentence and your time is now past.

The King: But I shall desire you will hear me a few words to you, for truly whatever sentence you will put upon me in respect of those heavy imputations that I see by your speech you have put upon me, Sir, it is very true that——

Bradshawe: Sir, I must put you in mind. Truly, Sir, I would not willingly at this time especially interrupt you in anything you have to say that is proper for us to admit of. But, Sir, you have not owned us as a court and you look upon us as a sort of people met together, and we know what language we receive from your party.

The King: I know nothing of that.

Bradshawe: You disavow us as a court, and therefore for you to address yourself to us, not acknowledging of us as a court to judge of what you say, it is not to be permitted. And the truth is, all along from the first time you were pleased to disavow and disown us the court needed not to have heard you one word more. For unless they be acknowledged a court, it is not proper for you to speak. Sir, we have given you too much liberty already and ~~admitted~~ of too much delay, and we may not admit of any farther. Were it proper for us to do, we should hear you freely, and we should not have declined to have heard you at large, what you could have said or proved on your behalf, whether for totally excusing, or for in part excusing, those great and most hainous charges that are laid upon you. But, Sir, I shall trouble you no longer, your sins are of so large a dimension that if you do but seriously think of them the consideration, the consideration thereof will drive you to and work in you a sad and serious repentance. And that the court doth heartily wish and that you may be so penitent for what you have done amiss, that God may have mercy at leastwise of your better part. Truly, Sir, for the other it is our parts and duties to do that, that the Law prescribes. We are not here *jus dare*, but *jus dicere*. We cannot be unmindful of what the Scripture tells us, "for to acquit the guilty is of equall abomination as to condemn the innocent." We may not acquit the guilty. What sentence the law affirms to a traytor, tyrant, a murderer and a public enemy

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to the country, that sentence you are now to hear read unto you, and that is the sentence of the court.

Which being commanded to be read and "O Yes" being made for silence, the clerk read the Sentence, which was drawn up in Parliament and is as followeth:

[All the other versions have "drawn up in Parchment," but this is evidently correct, for a lawyer would have written "engrossed on Parchment." The Commons Journals throw no light upon this, as well as many other questions, and upon 12th December, 1650, when this MS. Journal is stated to have been read, no objection was made to the phrase "in Parliament."]

Whereas the Commons of England assembled in Parliament have by their late Act intituled "An Act of the Commons of England assembled in Parliament for erecting of an high court of justice for the trying and judging of Charles Stuart, King of England," authorised and constituted an high court of Justice for trying and judging of the said Charles Stuart for his crimes and treasons in the said Act mentioned. By virtue whereof the said Charles Stuart hath bin here severall times convented before this High Court, where the first day, being Saturday the twentieth of January instant in psuance of the said Act, a charge of High Treason and other high crimes was in behalf of the People of England exhibited against him and reade openly unto him. Wherein he was charged that he the said Charles Stuart ~~being~~ admitted King of England and therein trusted with a limited power to govern by and according to the lawes of the land and not otherways. And by his trust, oath and office being obliged to use the powre comitted to him for the good and benefitt of the People and for the preservation of their rights and liberties. Yet notwithstanding, out of a wicked designe to erect and uphold in himself an unlimited and tyrannical powre to rule according to his will and to overthrow the rights and liberties of the People and to take away and make void the foundacons thereof, and of all redress and remedy of misgovernment. Which by the fundamentall constitutions of his Kingdome were reserved on the peoples behalf in the right and powre of frequent and successive parliaments or National meetings in Counsell.

Hee the said Charles Stuart for the accomplishment of such his designes, and for the protecting of himself and his adherents in his and their wicked practices to the same ende. Hath traiterously and maliciously levied warr against the present

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Parliament and the People therein represented, of which the circumstances of tymes and places is in the said charge more particularly set forth. And that he hath thereby caused and procured many thousands of the free people of this nation to be slaine and by divisions parties and insurrections within this land, and by invasions from forraigne parts indeavoured and caused by him and by many other evill wayes and meanes, hee the said Charles Stuart hath not only maintayned and carried on the said warre, both by sea and by land; but also hat^t renewed or caused to be renewed the said warr against the Parliament and good people of this nation in this present year one thousand six hundred forty and eight^s in severall counties and places of this kingdome, in the charge specified. And that he hath, for that purpose, given his Commission to his sonne, the Prince, and others. Whereby, besides multitudes of other persons, many such as were by the Parliament intrusted and employed for the safety of this nation, being by him and his agents corrupted, to the betraying of their trust, and revolting from the Parliament, have had entertainment and commission for the continuing and renewing of warr and hostility against the said Parliament and People. An that by the said cruell and unnatural warres so levied, continued and renewed, much innocent blood of the free people of this nation bath bin spilt, many families undone, the publique treasure wasted and exhausted, trade obstructed and miserably decayed, vast expense and damage to the nation incurred, and many parts of the land spoyled, some of them even to desolation. And that hee still continues his said commission to his said sonne and other rebells and revolters, both English and forraigners, to the Ea. of Ormond and to the Irish rebells and revolters associated with him, from whom further invasions upon this land are threatened, by his procurement and on his behalf. And that all the said wicked designs, warrs and evill practices of him the said Charles Stuart were still carried on for the advancement and uphoulding of the personall interest of powre and pretended prerogative to himself and his family, against the publique interest, common right, liberties, justice and peace of the people of this nation. And that hee thereby hath bin, and is, the occasioner, author and contriver of the said unnatural, cruell and bloudy warrs, and therein guilty of all the treasons, murthers, rapines, burnings,

^s New Year's Day, old style, was 25th March.

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spoyles, desolations, damage and mischeefe to this nation, acted and committed in the said warrs or occasioned thereby.

Whereupon the proceedings and judgment of this court were prayed against him, as a tyrant, traytor and murtherer and publique enemy to the Commonwealth (as by the said charge more fully appeareth). To which charge, being read unto him as aforesaid, Hee the said Charles Stuart was required to give his answer, but he refused so to doe. And upon Munday the two and twentieth day of January instant, being againe brought before this court, and here required to answer directly to the said charge hee still refused so to do. Whereupon his default and contumacie was entred. And the next day, being the third tyme brought before this court, judgment was then prayed against him on the behalfe of the People of England, for his contumacy, and for the matters contayned against him in the said charge, as taking the same for confest in regard of his refusing to answer thereunto. Yet notwithstanding this court (not willing to take advantage of his contempt) did once more require him to answer to the said charge, but hee againe refused so to doe. Upon which his severall defaults, this Court might justly have proceeded to judgment against him, both for his contumacy and for the matters of the charge, taking the same for confest, as aforesaid. Yet nevertheless this Court for their owne clearer information and further satisfaction have thought fitt to examine witnesses upon oath and take notice of other evidences, touching the matters contayned in the said charge. Which, accordingly, they have done.

Now therefore upon serious and 'mature deliberacon of the premisses, and consideration had of the notoriety, of the matters of fact, charged upon him as aforesaid, this Court is in judgment and conscience satisfied that hee the said Charles Stuart is guilty of levying warr against the said Parliament and People and of maintayning and continuing the same, for which in the said charge hee stands accused, and by the generall course of his government counsell and practices, before and since this Parliament began (which have been and are notorious and publique and the effects whereof remaine abundantly upon record). This Court is fully satisfied in their judgement and consciences that hee hath bin, and is, guilty of the wicked desynes and indeavours in the said charge sett forth, and that the said warr hath been levied maintayned and continewd by him as aforesaid in prosecution and for the accomplishment of the said designes. And that hee hath bin, and

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is, the occasioner, author and continewer of the said unnatural, cruell and blouddy warrs and therein guilty of High Treason and of the murthers, rapines, burnings, spoylés, desolacons, damage and mischeefe to this nation, acted and committed in the said warr and occasioned thereby.

For all which treasons and crimes this Court doth adjudge that the said Charles Stuart, as a tyrant, traytor, murtherer and publique enemy to the good people of this nation, shall be put to death by the severing of his heade from his body.

After the sentence reade the *Lo. President* said: This sentence now read and published, it is the act, sentence, judgment and resolution of the whole court.

Whereupon the court stood up and owned it.

The King: Will you hear me a word, Sir?

Bradshawe: Sir, you are not to be heard after the sentence.

The King: No, Sir?

Bradshawe: No, Sir, by your favour, Sir. Guard, withdraw your prisoner.

The King: I may speak after the sentence—By your favour, Sir, I may speak after the sentence over. By your favour—hold—the sentence, Sir—I say, Sir, I do——

Bradshawe: Guard, withdraw your prisoner.

The King: I am not suffered for to speak. Expect what Justice other people will have.

These words he spake—as he was going forth of the court. The King being withdrawne, the Court adiourned itself forthwith to the Painted Chamber.

[Sir Purback Temple was present in Westminster Hall upon this as well as the other days and said that Axtell “ during the time that the King was urging to be heard, was then laughing, entertaining his soldiers, scoffing aloud, whilst some of the soldiers by his suffering, and, I believe, procurement did fire powder in the palms of their hands, that they did not only offend his Majesty’s smell, but enforced him to rise up out of his chair and with his hand turn away the smoke. And after this he (the King) turned about to the people and smiled upon them and those soldiers that so rudely treated him. Then turning himself to Bradshawe, said to him and the court, ‘ There are some sitting here,’ fixing his eyes upon some persons near Bradshawe, ‘ that well know that if I would have forfeited or betrayed the liberties and rights of the people, I need not have come hither,’ or words to that effect.

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'But their liberties and rights are nearer and dearer to me than my three kingdoms, nay, than my life itself. Therefore I desire you to hear me and remember that I am your lawful King, that have done you many acts of grace and favour.' After which, this person, Mr. Axtell, prisoner at the bar, commanded his soldiers to cry out 'Justice,' which the soldiers not readily obeying of him I saw him beat 4 or 5 of them with his cane until they cried out, with himself, 'Justice,' 'Justice,' 'Execution,' 'Execution.' Which made me turn to a noble lord, by whom I then stood and say, 'Pray, my lord, take notice that there are not above 4 or 5 that cry out 'Justice,' 'Justice.' ' I heard also of their spitting in the King's face, and I think nobody's sufferings have been so like those of Our Saviour Christ Jesus, as his Majesties were. After this, the persons crying out 'Justice,' 'Justice,' 'Execution,' 'Execution,' a second time, the court proceeded to pass a sentence, the which his Majesty pressed hard against and told him, 'Sir, before you pass that ugly sentence, which I very well understand you intended to do, I desire you to hear me, hear me,' passionately, and most affectionately expressing it. Which they denying the King and the noise of 'Justice,' 'Justice,' 'Execution,' 'Execution' being repeated, they proceeded and read that ugly sentence of death. After which his Majesty was immediately hurried away from the bar into a common sedan (sedan chair) where he was carried by two common porters. Which sedan I followed to the middle of Kings Street, where I saw the two porters, in reverence, go bare till the soldiers under the command of the prisoner at the bar (Axtell) beat them, and would not suffer them to go bare when they carried him. After this, the people cried out, 'What! Do you carry the King in a common sedan, as they carry such as have the plague? God deliver your Majesty out of such enemies hands!' In which street I was forced to leave the sight of his Majesty, occasioned by the injuries and hurts I received in my person from the soldiers under Axtell's command, they carrying him through the streets shouting in triumph.'"⁹

Rushworth wrote that "his Majesty being taken away by the guard, the soldiers scoffed at him, casting the smoke of their tobacco, a thing very distasteful to him, and throwing their pipes in his way. As he passed along, hearing the rabble of soldiers crying out 'Justice,' 'Justice,' he said, 'Poor soldiers! For a

⁹ "Exact and most impartial account" of the trials of 29 regicides, pp. 189-91.

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piece of money, they would do so for their commanders.' " These are unexpected admissions coming as they do from the man who was reappointed licenser of the press in September, 1649.

Sir Philip Warwick wrote that, in his passage to his trial, the King was " met and reviled by some and tobacco blown into his mouth and his face spit upon by others. One honest soldier said but ' God bless you Sir,' and his captain caned him. The King told the Captain the punishment exceeded the offence." Bate also mentions the spitting on the King upon this day.¹

John Dillingham wrote that: " As he (the King) was passing after sentence to his lodging, there was a great cry for execution. He turning towards them, smiling, spake to one of his attendants, saying, ' Poore creatures, for sixpence they would say as much of their commanders.' Entering the house, one of the servants departed weeping, which he seeing said: ' You may forbid their attendance: not their tears.' That night he commanded his dogs should be taken away and sent to his wife, as not willing to have anything present that might take him off from serious consideration of himself. Being desired to say somewhat, how far he was guilty of the death of his father and the rebellion of Ireland, he said, with reverence to God be it spoken, he had done nothing that he needed to ask pardon for."

Foreign ambassadors appealed on behalf of the King to those in power, and the Queen sent a letter, which was cast aside unopened. The Prince of Wales himself sent a blank sheet of paper with his signature at the bottom (still in existence) to consent in advance to any terms to save his father's life. All in vain; it is doubtful whether Fairfax was even permitted to see this last document, for the King's enemies were determined to have his blood.

¹ George Bate, M.D., " *Elenchus motuum imperorum in Angliâ.*"

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SECTION III.

The Execution of the King.

AFTER all was over in Westminster Hall on the Saturday, the Commissioners in the Painted Chamber appointed Sir Hardress Waller, Ireton, Deane, and Okey to be a committee "to consider of the time and place for the execution of the sentence against the King." On the following Monday, the 29th, 50 Commissioners met again in the Painted Chamber, and this committee then reported that the open street before Whitehall was a fit place, and that the King should be executed on the morrow, he having already had notice thereof. "Bradshawe's Journal" proceeds to assert that a warrant was ordered to be drawn for that purpose, "which said warrant was accordingly drawn and agreed unto and ordered to be engrossed. Which was done and signed and sealed accordingly." The warrant is then set out.

But the Journal does not tell the truth about this death warrant, and the original document (still in existence at the House of Lords) has a story of its own for those who inspect it. To each of the 59 signatures, one of which, that of Gregory Clement, has been written over a name previously erased, a seal with a coat-of-arms is attached, though half of the signatories had no right to bear arms. Pride, who could not write, is a conspicuous instance in point. He, however, made a brave attempt at a signature by forming the letters "tho" and winding up with a scribble. Apart from erasures in the text of the document calculated to show that it really was not signed on the Monday at all, a comparison of the list of names appended to it with those set out in the Journal affords distinct proof of the fact, for some of the 50 Commissioners present on the Monday did not sign it at all, and the list proves that 15 who did sign were not present on that day. Therefore, they signed elsewhere. Nor are the erasures already pointed out the only ones. With the exception of the name of Colonel Huncks, the names of those to whom it is addressed, namely, "Colonel Francis Hacker, Col. Huncks, and Lieut.-Col. Phayre," have been written over these erasures. Those whose names were erased certainly must have refused to act upon the warrant. Huncks himself did, as we shall see.

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Garland, one of the signatories, said at his trial, "I sate and at the day of sentence signed the warrant." Some signatures, therefore, had been obtained during the previous week, and this is confirmed by the fact that the signatories who were not present were all present on the day of sentence, the 27th. Then there was great difficulty in getting even so few as 59 to sign the document. Richard Ingoldsby had not attended the trial. Clarendon tells a story of how Cromwell, with great laughter, and others held him and forced him to sign. This tale may not be accurate in all its details, but here again the story is corroborated as regards Cromwell's unseemly mirth on the day of signature, by a witness at Marten's trial in 1660. A man called Ewer was present in the Painted Chamber and saw the signing of the warrant. "I did see a pen in Mr. Cromwell's hand," said he, "and he marked Mr. Marten in the face with it, and Mr. Marten did the like to him."

Other regicides, at their trials, proved that they were threatened. Harvey, who objected to the sentence, refused to sign the warrant, "though solicited with very much earnestness to go and sign and seal." Pennington said the same; Smith, who did sign, and pleaded that he acted in ignorance, said, "that there were those then in authority whom he dared not disobey." Downes, whose intervention in the King's favour has already been detailed, pleaded in extenuation of his having signed the warrant, "I was threatened with my very life. By the threats of one who hath since received his reward I was induced to do it." Wayte, also, who had supported Downes and, like Downes, had signed the warrant, gave an account of how this happened:

"On Monday," said he, "I went to the House (of Commons); they were labouring to get hands for his (the King's) execution at the door. I refused and went into the House. Saith Cromwell, 'Those that are gone in shall set their hands. I will have their hands now.'"

Heveningham said that "at the time of sealing I had that courage and boldness that I protested against it."

In the meantime on Saturday Dr. Juxon was allowed to attend the King, but was placed under the same arrest. Directly the Bishop entered the King's room and commenced to condole with him, the King stopped him. "Leave off this, my lord," said he. "We have not time for it. Let us think of our great work and prepare to meet that great God, to whom ere long I am to give an account of myself. And I hope I shall do it with peace and

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that you will assist me therein. We will not talk of these rogues, in whose hands I am. They thirst after my blood and they will have it, and God's will be done. I thank God I heartily forgive them and I will talk of them no more." Every few minutes during their lengthy conference a soldier opened the door to see if the King was still there, and all that night, two soldiers having again been ordered to sleep in the same room, the Bishop and the King remained in conference. But so many representations were made to Colonel Hacker by Herbert and even Colonel Thomlinson, about the barbarity of ordering soldiers to sleep in the King's room, that the last two nights of his life the King was no longer molested. On the Sunday Bishop Juxon preached to the King from Romans ii., 16, "At that day when God shall judge the secrets of men by Jesus Christ." Late that night the Bishop parted with the King and retired for some much-needed rest.

The King refused to see any other visitors, including the Prince Elector, Duke of Richmond, and other noblemen, telling Herbert that he hoped they would not take it ill, but his time was short and precious, and the best office they could then do was to pray for him.

Several London ministers, Calamy, Vines, Carryl, Dell, John Goodman, and others, proffered their services, which in the cases of Calamy and Vines would have been more acceptable than those of Hugh Peters, but the King sent Herbert to them to give them his thanks and to tell them that he had made choice of Bishop Juxon and would have none other. That Saturday evening the King took an emerald ring from his finger and told Herbert to go with it to his laundress in Chancel Row, the wife of Sir William Wheeler. It was a dark night and guards were set everywhere, but Herbert obtained the password from Colonel Thomlinson, passed the sentinels successfully and presented the ring, as he had been instructed, without saying anything. Lady Wheeler delivered to Herbert a little cabinet closed with three seals in return for the token. The next morning the King broke open the seals in the presence of the Bishop and of Herbert, and showed them the contents of the cabinet—diamonds and jewels, for the most part broken Georges and Garters. "You see," said he, "all the wealth now in my power to give to my two children."

The London ministers thundered against the Army and its Parliament on the last Sunday, but these good men found no one willing to report them or daring enough to print their sermons.

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But a witness at Peters's trial in 1660 describes the latter's sermon at St. James's on that day. Peters took as his text the 149th Psalm, verses 6 to 9, and thus amplified his text of the previous Sunday, and foreshadowed the judicial murders to follow that of the King, for the verses run, "Let the high praises of God be in their mouth and a two edged sword in their hands, to execute vengeance upon the heathen and punishments upon the people. To bind their kings in chains and their nobles with fetters of iron. To execute upon them the judgments written, this honour have all the Saints. Praise ye the Lord."

This witness, Thomas Tonge, added: "And in the middle of his sermon took occasion to produce a text 14 Esay 18-19, 20: 'All the kings of the nations, even all of them, lie in glory, every one in his own house. But thou are cast out of thy grave like an abominable branch, and as the raiment of those that are slain, thrust through with a sword, that go down to the stones of the pit as a carcase trodden under foot. Thou shalt not be joined with them in burial, because thou hast destroyed thy land and slain thy people, the seed of evil doers shall never be renowned.' Peters said, 'This I did intend to insist and preach upon before the poor wretch, and the poor wretch would not hear me.'"¹

During this day a last attempt was made to bend the King to the will of the leaders of the Army. Some of the "prime leaders" came to him, according to both Dugdale and Manley, with a book of proposals offering him his life if he would sign them. Of these, one was that an Army, consisting of 40,000 men, should be perpetuated during the pleasure of such as they should nominate to be entrusted with the Militia, the Council of War to have power to recruit and nominate new officers and men as they thought fit, and to settle taxes for the pay of the soldiers, these taxes to be levied by themselves. "But so soon as his Majesty had read some few of those tyrannous proposals, he threw them aside, saying that he would rather become a sacrifice for his people than betray their laws, liberties, lives and estates, with the Church, Commonwealth and Honour of the Crown, to so intolerable a bondage of armed faction."

¹ This is corroborated in the "Collections" of the Massachusetts Historical Society, third series, vol. ix., p. 286. Roger Williams wrote to Winthrop on "26.3.49 so-called." "It is said that Mr. Peters preached after the fashion of England the funeral sermon to the King out of the terrible denunciation to the king of Babylon, Esai. xiv, 18, 20." This is not quite accurate, but it settles finally the question of date.

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During Monday, the 29th, Sir Roger Manley says that the King amused himself by constructing an anagram from his title of "Carolus Rex." This was the prophetic phrase, "Cras ero lux," and testifies to the thoughts underlying many of his sayings during this day and the morrow. The King then arranged his legacies with Herbert. These consisted chiefly of books. To Charles, Prince of Wales, he bequeathed his Bible, annotated by himself, with the last request to read and meditate upon it frequently. To the Duke of York he left "his large ring Sun-dial of Silver, a jewel his Majesty much valued; it was invented and made by Mr. Delamain, an able mathematician, who projected it and in a little printed book shewed its excellent use in resolving many questions in Arithmetick and other rare operations to be wrought by it in the mathematics." To the Princess Elizabeth, his daughter, Bishop Andrewes' sermons, Laud against Fisher, the Jesuit, and Hooker's "Ecclesiastical Polity"; as also (Dugdale) "a paper to be printed, in which he asserted regal government to have a divine right, with proofs out of sundry authors, civil and sacred."² To the little Duke of Gloucester the King left King James's works and Hammond's Practical Catechism, and "Cassandra" to the Earl of Lindsey. Lastly, the King bequeathed his gold watch to the Duchess of Richmond. To Herbert himself the King gave the silver clock, which usually hung by his bedside.

Not before this day was the construction of the scaffold undertaken; and presumably in order^{*} that he might not be annoyed by the sound of the hammering, which continued throughout the night of the 29th, the King was carried back to St. James's at five o'clock for the last night of his life.

"The Perfect Diurnall" for 29th January-5th February states under the date of the 29th, "This day the King was removed to St. James's, where his children came from Syon House (Isleworth) to visit him, but stayed not long; he took the Princess in his arms and kissed her, gave her his blessing and two seals that he had, wherein were two diamonds; she wept bitterly."

Writing in the "Moderate," Mabbot added under the same date, "Scaffolds are this day building and will be all night, in order to the King's execution. His Majesty burnt all his papers

² This was probably taken from the Princess and destroyed, for no copy is known.

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this day and his several clavisés to his private letters sent in characters to him; which done his Majesty and Dr. Juxon did much rejoice."

The hapless Princess Elizabeth, aged thirteen, and the little Duke of Gloucester, aged ten, were prisoners in the hands of the Parliament. Princess Elizabeth, who for the rest of her unhappy life always wore mourning for her father, died at his old prison of Carisbrooke Castle in 1650, a few days before the Army Parliament decided to set her at liberty to go abroad. She was buried near the Communion table in St. Thomas Church, Newport, her resting-place being marked only by the initials "E.S.," until the year 1856, when Queen Victoria ordered a handsome marble monument, by Marochetti, to be erected over the spot. The Duke of Gloucester died shortly after the Restoration of the smallpox, a disease fatal to so many of the Stuarts, and was buried in Westminster Abbey.

Upon 24th March, 1649, a broadsheet was published giving the Princess's own account of her last interview with her father. The sheet was not licensed, for it bore no other imprint than "Printed in the yeare 1648," and, as the contents prove, would undoubtedly have been suppressed had the rulers of the times been able to do this.

"Monday, 29th January, 1648. A True relation of the King's speech to the Lady Elizabeth and the Duke of Gloucester, the day before his death.³

"His children being come to meet him he first gave his blessing to the Lady Elizabeth and bad her remember to tell her brother James whenever she should see him, that it was his father's last desire that he should no more look upon Charles as his eldest brother only, but be obedient unto him as his sovereign. And that they should love one another and forgive their father's enemies. Then said the King to her, 'Sweetheart, you'll forget this.' 'No,' said she, 'I shall never forget it while I live,' and pouring forth abundance of tears promised him to write down the particulars.

"Then the King taking the Duke of Gloucester upon his knee, said, 'Sweetheart, now they will cut off thy father's head.' Upon which words the child looked very steadfastly upon him.

³ The pressmark of this in the Thomason Tracts is 669, f. 14 (9). Parts of it were, later on, added to "Σικωὶ βασιλικῇ." The date of 24th March was written upon it by Thomason.

King Charles I.

‘ Mark, child, what I say, they will cut off my head and perhaps make thee a king. But mark what I say; you must not be a king so long as your brothers Charles and James do live. For they will cut off your brothers’ heads, when they can catch them, and cut off thy head too, at the last. And therefore, I charge you, do not be made a king by them.’ At which the child sighing said, ‘ I will be torn in pieces first.’ Which falling so unexpectedly from one so young it made the King rejoyce exceedingly.

“ Another relation from the Lady Elizabeth’s own hand.

‘ He told me he was glad I had come and although he had not time to say much, yet somewhat he had to say to me which he had not to another or leave in writing, because he feared that their cruelty was such as that they would not have permitted him to write to me. He wished me not to grieve and torment myself for him, for that would be a glorious death he should die, it being for the Laws and liberties of this Land and for maintaining the true Protestant religion. He bid me read Bishop Andrewes’ sermons, Hooker’s Ecclesiastical Polity and Bishop Laud’s book against Fisher, which would ground me against Popery. He told me he had forgiven all his enemies and hoped God would forgive them also, and commanded us and all the rest of my brothers and sisters to forgive them. He bid me tell my mother that his thoughts had never strayed from her and that his love should be the same to the last. With all he commanded me and my brother to be obedient to her. And bid me send his blessing to the rest of my brothers and sisters, with commendation to all his friends. So, after he had given me his blessing I took my leave.

‘ Further, he commanded us all to forgive those people, but never to trust them; for they had been most false to him and to those that gave them power, and he feared also to their own souls. And desired me not to grieve for him, for he should die a martyr. And that he doubted not but that the Lord would settle his throne upon his son and that we should all be happier than we could have expected to have been if he had lived; with many other things which at present I cannot remember. ELIZABETH.’

“ The King said to the Duke of Gloucester that he would say nothing to him but what was for the good of his soul. He told him that he heard that the Army intended to make him King, but it was a thing not for him to take upon him if he regarded the welfare of his soul. For he had two brothers before him and,

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therefore, commanded him upon his blessing never to accept of it unless it redounded [descended] lawfully upon him. And commanded him to fear the Lord and He would provide for him.

Copia vera."

Herbert tells us that the King then gave the two children "all his jewels save the George he wore, which was cut in an onyx with great curiosity, and set about with 21 fair diamonds and the reverse set with the like number."

There has been a great deal of dispute about the exact site of the scaffold upon which the King was beheaded. The statements in the weekly newsbooks, however, clear up all difficulties on this subject. Mabbot, in his "The Moderate," states, under the date of 29th January, that the Commissioners "voted that the place of execution should be over against the Banqueting House of Whitehall." "The Kingdoms Weekly Intelligencer" adds, under the same date of 29th January: "His children are now with him, howsoever it is believed on to-morrow he will suffer and to that purpose the way is now railed in from Whitehall to the Great Gate as you go to Kings Street, about the middle whereof it is said the scaffold will be erected." The "Perfect Weekly Account" confirms this: "There are rails making at Whitehall Gate and something else which is thought will amount to a scaffold, which may suddenly be finished, and its probable that is the place designed for execution."⁴

Hollar's drawing of the Banqueting House explains the meaning of these last two passages. The drawing was made about the year 1638, and, as will be seen, depicts both the Banqueting House and Whitehall Gate, in a view taken from the north. It proves that from the east to the west a line of posts ran from the north end of the Banqueting House, turning sharply at right angles, when level with the Gate, to run down from north to south and join Whitehall Gate between the foot passenger

⁴ "The Moderate" for 23rd-30th January; "The Kingdoms Weekly Intelligencer" for 23rd-30th January; and the "Perfect Weekly Account" for 24th-31st January.

The facts that the rails were not erected until Monday, the 29th, and that the King was taken back to St. James's at five o'clock on this day, refute the statements made in Clement Walker's "History of Independency," upon which Hume and others of the older writers based their assertions that the King was disturbed during the last night of his life by the sound of the building of the scaffold. He may have been annoyed by the sound of the erection of the rails and by the building of the scaffold up to five o'clock, but that is all.

King Charles I.

entrance and the carriage entrance. There is no other statement in the newsbooks about the rails within which the scaffold was erected other than the two passages I have quoted, but it is reasonable to conclude that these rails followed the lines shown by the posts in the engraving, were placed upon them, as a matter of fact, and that within them the scaffold was built.

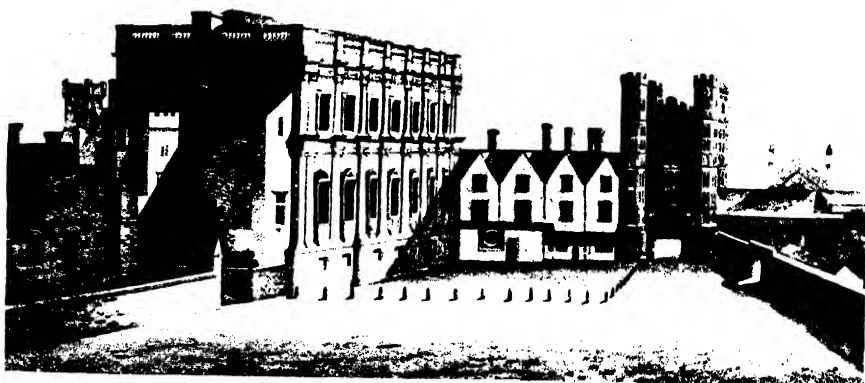
There can be no doubt, therefore, that the scaffold was placed on the west side of the Banqueting House, still in existence. Seven "great" windows existed then and exist now on the west side of the Banqueting House, but the doubt about which window it was from which the King stepped upon the scaffold has been caused by undue reliance upon eighteenth century engravings of the Banqueting House, proving that in that century the second and third and fifth and sixth of the seven were walled up. As the centre window never at any time was walled up, it has been assumed that this centre window was the window in question. The tablet at present affixed to this centre window, although it does not say so, appears to countenance this supposition.

Herbert, in his original manuscript, states that "his Ma^{ty} past' to y^e scaffold through y^e wall y^t was purposely broken downe at y^e North end of y^e roome," and meant nothing more by this than that the lower, or balcony, portion of one of the northern windows was removed, for Sir William Sanderson wrote that the King "was conveyed into the Banqueting House and the great window *enlarged*, out of which he ascends the scaffold."⁵ And Heylin adds that "a way was forced unto a scaffold."

The "Moderate Intelligencer" for 25th January-1st February states that the King was "put to death by beheading, over against the Banqueting House of Whitehall, the place where formerly King James and all the fencers of London encountered each other in their school way for content of the King of Denmark, who came out to visit him, the scaffold being made from the same window, and in the same manner, only larger." The year 1614 is meant, but the then Banqueting House was burnt down in 1619, the present building being finished in 1622. Dillingham, therefore, meant by "the same window" the row of "great windows" facing west, and excluded the upper and lower rows of small ones.

Formerly, however, this window was marked by a stone set in the pavement underneath it. In 1890 Mr. Thoms, founder

⁵ Compleat History of the life of . . . King Charles," 1658.



Hollar's drawing of the Banqueting House
(Circa 1638; original in the Pepysian Library, Cambridge).

The Execution of the King.

and first editor of "Notes and Queries," and his friend, Mr. Hugh Owen, formerly chief cashier to the Great Western Railway Company, identified this window with the second window from the north (one of the four windows walled up in the eighteenth century), and added that this window was formerly marked by a stone placed lozenge-wise in the foot-pavement. "It was a blue stone; most likely slate or blue lias," and "it marked the site of the scaffold on which Charles I. was slaughtered." Mr. Owen's memory was a little uncertain on the point whether the window was not the third, but he inclined most to the second, in agreement with Mr. Thoms. Whitehall was burnt down in 1698, and from 1724 the Banqueting House, though never consecrated, was used as a Royal Chapel up to the year 1890. It was during this period that the windows were walled up and the stone in the pavement appears to have been removed at the time of Sir John Soanes' exterior restoration during the years 1829-1837. Nevertheless the custodian of the chapel was in the habit of pointing out the walled-up second window as "King Charles's window."⁶

The actual window, therefore, was the second from the north, at the end of the scaffold, and the fourth, or centre window, was certainly not that by which the King entered upon the scaffold, which probably ran from the second to the sixth windows. At the trial of Hugh Peters in 1660, Richard Nunnally, door-keeper of the House of Commons, gave evidence and said that, on the fatal Tuesday, he went to Cromwell with a warrant for £40,000 or £50,000: "'Nunnally,' says O. Cromwell, 'will you go to Whitehall? Surely you will see the beheading of the King,' and he let me into Whitehall. . . . Coming into the boarded gallery I met Hugh Peters and he was in the gallery, and there I got with Hugh Peters into the Banqueting House. Being there Hugh Peters met with one Tench of Houndsditch that was a joiner. Meeting him he speaks to him and whispers in his ear and told him somewhat. I do not know what it was, but Tench presently after went and knocked 4 staples into the scaffold. I meeting Tench again, 'What art thou doing?' said I. 'What! Will you turn hangman?' Says he, 'This day will be a happy day.' Said I, 'Pray

⁶ Sir Reginald Palgrave's letter in the "Times" of 17th May, 1890, establishing these facts, is also quoted in the present writer's articles in "Notes and Queries" during the year 1927. Pierre Nicholas Chantreau, who visited England in 1788, definitely excludes the centre window by writing in his "*Histoire Vénérifique et Impartiale du procès de Charles I.*" that "cette croisée est actuellement murée."

King Charles I.

God it be not a bloody day.' Upon that Hugh Peters went upon the scaffold just an hour before the King came and then he went off again."

This does not seem to be quite accurate, for one Hammond, the master-carpenter at Whitehall, was ordered to provide a scaffold, and employed Robert Lockier to erect it. As neither of these two men was denounced at the time by the Royalist pamphleteers, it is probable that, however much they may have objected to the task thus thrust upon them, sordid reasons may have compelled them to comply with the orders given. But Tench was frequently and continuously denounced in the pamphlets of the times, not only because he had been one of those who cried out "Justice, justice" at the so-called trial in Westminster Hall, but because he provided hooks and pulleys to be attached to the staples, with which to drag the King down to the block. Francis Tench, a joiner who lived at the sign of the Drum in Houndsditch, was probably the brother, or son, of a man of the same name hanged at Oxford as a spy in 1644, by the King's orders, and thus became conspicuous for the hatred shown by him to the King. In 1661 Lockier gave evidence to Sir Richard Everard, a J.P. for Westminster (who acted under the orders of the Privy Council), to the effect that he, the said Lockier, had driven four staples into the scaffold. Lasting infamy attaches to Robert Deane, then a Colonel and afterwards to be distinguished by his career at sea in the war with the Dutch, when it has to be added that it was by Deane's orders (given, no doubt, at Peters' suggestion) that Lockier was directed "to fetch four iron staples from one Morris, an ironmonger in Kings Street, Westminster," and fastened the said staples, by the direction of Deane, to the scaffold. Lockier also continued with his hammer and tools upon the scaffold until all was over. He received wages from Blackwell, the overseer of the works, at the rate of 2s. 6d. a day. Francis Tench was probably the chief workman employed by him.⁷

On the 1st August, 1660, the House of Lords ordered the arrest of Tench, "for bringing irons to the scaffold and dipping his handkerchief in the King's blood." Tench, however, had

⁷ Privy Council Register under the date of 15th March 1660-61. The execution of the other Tench at Oxford was recorded in "Mercurius Civicus" for 25th August-1st July, 1644. Lockier's deposition, taken by Everard, will explain why Deane's body was taken from Westminster Abbey and cast into the common pit outside at the Restoration.

The Execution of the King.

absconded or was dead, but at the end of November in the same year his son, Edward Tench, was captured and sent to the Gatehouse prison under the same accusation.⁸ Lockier's evidence, given to Sir Richard Everard, exculpated him, and the Privy Council ordered him to be set at liberty on 15th March, 1661. Edward Tench was probably too young at the time to have taken part in the building of the scaffold.

The King's Last Hours.

Upon Tuesday, the fateful 30th January, the Commissioners met again in the Painted Chamber at nine o'clock. The names of those present are not stated.

Five ministers, all of whom were likely to be objectionable to the King, namely, Marshall, Caryll, Nye, whose "goat beard" was a subject of mirth to the Restoration pamphleteers, Salway, and Dell, were ordered to attend the King "to adminster to him those spiritual helps that should be suitable to his present condition," and Lieut.-Colonel Goffe was ordered "forthwith to repair unto his Majesty for that purpose." "Salway" was probably the Arthur Salway who published a sermon preached to the House of Commons in 1644. Nothing else is known of him. Goffe did as he was ordered, "but after informed the court that the King being acquainted herewith refused to confer with them, expressing that he would not be troubled with them."

The scaffold was then ordered to be covered with black. We learn from the statements of witnesses at the trials of the regicides that the rails upon the scaffold itself also were hung with black. At the moment when the fatal blow was struck, therefore, the King was invisible to spectators down below, who saw the axe swung into the air, but nothing else.

By the King's orders Herbert brought his pallet bed into the King's chamber and slept there during the last night of the King's life. In one of his letters⁹ Herbert relates the following story of this night:

"For some hours his Majesty slept very soundly, for my part I was so full of anguish and grief that I took little rest. The

⁸ "Mercurius Publicus" for 22nd-29th November, 1660. As regards Edward Tench, see the note on p. 145, *infra*.

⁹ Letter dated 28th August, 1680, and printed at the end of the 1813 edition of Herbert's "Memoirs."

King Charles I.

King, some hours before day, drew his bed curtain to awaken me and could by the light of the wax lamp perceive me troubled in my sleep. The King rose forthwith and as I was making him ready (said the King) 'I would know why you were disquieted in your sleep?' I replied 'May it please your Majesty I was in a dream.' 'What was your dream?' said the King. 'I would hear it.'

" 'May it please your Majesty,' said I, 'I dreamt that as you were making ready, one knocked at the bed-chamber door, which your Majesty took no notice of, nor was I willing to acquaint you with it, apprehending it might be Colonel Hacker. But knocking the second time, your Majesty asked me if I heard it not. I said I did, but did not use to go without his order.'

" 'Why then, go, know who it is and his business.' Whereupon I opened the door and perceived that it was the Lord Archbp. of Cant., Dr. Laud, in his pontifical habit as worn at Court. I knew him, having seen him often. The Archbp. desired he might enter, having something to say to the King. I acquainted your Majesty with his desire; so you bad me let him in. Being in, he made his obeysance to your Majesty in the middle of the room, doing the like also when he came near your person; and, falling to his knees, your Majesty gave him your hand to kiss, and took him aside to the window, where some discourse passed between your Majesty and him, and I kept a becoming distance, not hearing anything that was said, yet I could perceive your Majesty pensive by your looks, and that the Archbishop gave a sigh. Who, after a short stay, again kissing your hand, returned, but with face all the way towards your Majesty, and making his usual reverences, the third being so submissive, as he fell prostrate on his face on the ground and immediately stept to him to help him up, which I was then acting when your Majesty saw me troubled in my sleep. The impression was so lively that I look'd about verily thinking it was a dream.'

" The King said my dream was remarkable. 'But he is dead; yet, had we conferred together during my life, 'tis very likely (albeit I lov'd him well) I should have said something to him might have occasioned his sigh.' "

The King then said, "Herbert, this is my second marriage day: I would be as trim to-day as may be; for before night I hope to be espoused to my blessed Jesus." The weather was severe, the Thames being frozen over, according to Evelyn, so that the

The King's Last Hours.

King put on a shirt more than usual, so that he might not shiver and thus have the imputation of fear laid upon him. "I fear not Death," said the King, "Death is not terrible to me. I bless my God I am prepared." The Bishop soon arrived and was private for an hour with the King, after which Herbert was called in and Morning Prayer read. One of the lessons for the day was the 27th chapter of St. Matthew, relating the Passion of our Saviour, which was so appropriate to the occasion that the King asked the Bishop if he had not made choice of it. Upon being told that it was in the Kalendar, the King was much affected; it "so aptly serving as a seasonable preparation for his death that day."

Colonel Hacker then knocked at the door, and when he came in "in trembling fashion," told the King that it was time to go to Whitehall.

Dillingham wrote of the King in the "Moderate Intelligencer" that: "When he was desired to go to Whitehall, the place where the scaffold was, he said he was glad it was to be done there rather than where he was, in regard it was a very cold morning and without a little motion he should be indisposed to what he intended to say. He walked through the park, as his former use was, very fast, and call'd to his guard in a pleasant manner, 'March apace,' that he might make haste. Being come to Whitehall he abode there some time. Being asked if he would dine he said, 'No, only a glass of beer and crust of bread.'"

During the walk across the Park, Fuller, in his "Church History," says that, "In his passage a sorry fellow, seemingly some mean citizen, went abreast along with him, and in an affront often stared his Majesty in the face, which caused him to turn it another way. The bishop of London, though not easily angered, was much offended hereat, as done out of spiteful design, to discompose him before his death and moved the captain of the guard he might be taken away, which was done accordingly."

This "sorry fellow" undoubtedly was Tench, one of the workmen on the scaffold, for the King's spaniel "Rogue," having stolen out unperceived, to follow his master, Tench captured the dog and made an exhibition of it together with the hooks and pulleys he had provided with which to drag the King to the block."¹

¹ "Tench, the Kings pulley maker, hath left his calling and, from a knave, is turned roguing informer and moves his masters for a reward for his past service in crying 'Justice,' 'Justice' against the King. And if

King Charles I.

Several of the newsbooks state that the King arrived at Whitehall about ten o'clock, and Sir Philip Warwick adds that the King received the Sacrament at Whitehall from Bishop Juxon. The King and the Bishop even then were disturbed. Nye and the four other ministers, undeterred by the King's refusal to see them, knocked at the door. The Bishop went to them to tell them to go away, but they knocked a second time, so that he told the King it would be necessary to give them some answer. "Then," said the King, "thank them from me for the tender of themselves; but tell them plainly that they, that have so often and causelessly prayed against me, shall never pray with me in this agony. They may, if they please, and I'll thank them for it, pray for me."

Dinner was then prepared for the King at Whitehall, but the King had resolved to touch nothing after the Sacrament. The Bishop remonstrated, reminded him how the time was passing and how sharp the weather was, and that he might faint upon the scaffold. So the King eventually ate half a manchet² and drank a glass of claret. He may have asked for beer in the first instance, thinking that no wine remained in the Royal cellars.

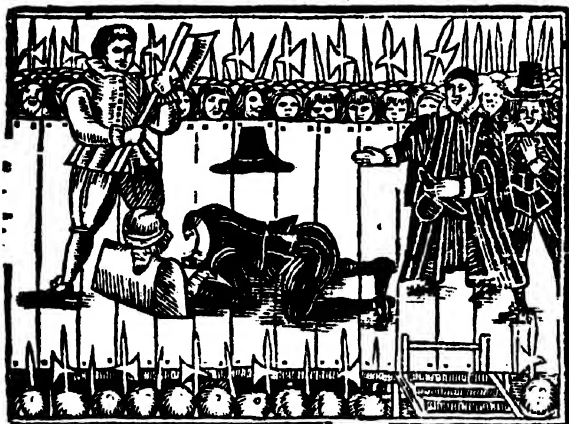
As to the King's courage, Bishop Burnet's words, faint praise as they are, are worth quoting, though they are unjust as regards Bishop Juxon: "The King himself showed a calm and composed firmness, which amazed all people, and that so much the more because it was not natural to him. It was imputed to a very extraordinary measure of supernatural assistance. Bishop Juxon did the duty of his function earnestly, but with a dry coldness that could not raise the King's thoughts; so that it was owing wholly to somewhat within himself that he went through so many indignities with so much true greatness, without disorder or any sort of affectation."

his Majesty had stood their tryall this precious beast had been a false witness. The Kings spaniell, the only servant they would allow him, was by this knave took up as he followed his Master and reported by his neighbours to be kept ty'de up in his cellar. And his son carries the hooks in his pockets to make sport for the rest of the Independent party," &c. ("Man in the Moon," No. 15, for 25th July-2nd August, 1649, p. 127). See also "A New Bull baiting; or, a match played at the Town Bull of Ely," 1649.

² The "manchet," a small bun-shaped loaf of white bread, is still in existence under the name of "a Dover," and is popular amongst the poor. The price of the wheaten white loaf of 6 ounces was fixed at a penny by the Lord Mayor for this year, at the "Assize of Bread" held a few months later on. The penny of those days was worth four or five times what it is worth now.

THE CONFESSION¹⁴ *June 25* OF *1649* Richard Brandon

The Hangman (upon his Death bed) concerning His behead-
ing his late Majesty, *CHARLES* the first, King of Great
Britain; and his Protestation and Vow touching the same;
the manner how he was terrified in Conscience; the Appa-
ritions and Visions which appeared unto him; the great judg-
ment that befell him three dayes before he dy'd; and the
manner how he was carryed to White Chappell Church-
yard on Thursday night last; the strange Actions that hap-
pened thereupon; With the merry conceits of the Crowne
Cock and his provident mourning Cords for the Buriall.



Printed in the year Year, of the Hang-mans down-fall, 1649.

Pseudo-Royalist satire on the death of the hangman
(Showing the shape of the block used at the time).

The King's Last Hours.

A nobler tribute than that of Burnet was paid to the King by a greater writer and a greater man, one who was equally well informed as to all that went on in England. Bossuet, in his oration at the funeral of Queen Henriette Marie in 1669, said that he complied with the dead Queen's most tender desires in rendering his tribute to Charles I., and particularly drew attention to the King's courage: "Let those who will needs believe that all is weakness amid misfortunes, and among the vanquished, and hope thereby to persuade us that his courage was not attended by strength, and his councils with vigour. Being pursued to extremity by the implacable malignity of fortune, and betrayed by all his friends, he was never wanting to himself. In spite of all the ill success of his unfortunate arms; if they were able to vanquish him, yet they never could force him: and, as he never refused that which was reasonable when he was conqueror, so he always rejected that which was low and unjust whilst he was a captive. I am scarce able to contemplate the greatness of his courage in these last trials. But assuredly he plainly evidenced that it is not in the power of rebels to make a King who knows himself lose his Majesty. And those who saw his demeanour when he appeared in Westminster Hall and in Whitehall may easily judge how undaunted he was at the head of his Army, how great and full of Majesty in his palace and his Court."

In the meantime difficulty had been experienced in finding any one to behead the King. Brandon, the executioner, had refused the task with horror. Lord Leicester, the future Parliamentary guardian of the King's children, who was in a position to speak authoritatively on this subject, wrote in his diary: "The executioners were two and disguised in saylors clothes with vizards and perruques, unknown. Yet some have a conceit that he that gave the stroke was one Collonel Foxe, and the other Captaine Joyce, who took the King from Holmby, but that is not beleaved. This I heard for certain, that Gregory Brandon the common hangman of London, refused absolutely to do it and professed that he would be shot or otherwise killed rather than do it."³ Other writers corroborate him. And two or three days

³ "Sydney Papers" (ed. R. W. Blencowe).

Joseph Kent received letters from England at Venice to the effect that "Gregory the ordinary hangman of London was commanded to assist to the King's death, which he refused, but to invite him to it he was proffered two hundred pounds, which he would not hear of; then they threatened to burn him and at last imprisoned him, because he would not consent to so

King Charles I.

previously, according to a sergeant called Gittens, Hewson had summoned about 38 sergeants, made them take an oath of secrecy, and then had offered a reward of £100 to the man who would behead the King.⁴ But no one then was willing to undertake the task, and there are indications that the same obstacles now presented themselves, for Samuel Burdon, one of Axtell's soldiers, said at the latter's trial that Colonel Axtell sent "Elisha Axtell, with a file of soldiers, to take a boat and go down to the common hangman that lived beyond the Tower [in Rosemary Lane, White-chapel] to execute the King."⁵ In the end two men were found, stipulated for disguises, and to the long delay caused by all this and by procuring those disguises must be attributed the fact that the King was not summoned to the scaffold until between one and two o'clock. This delay cannot have been caused by an "Act" passed at the afternoon sitting in the House of Commons upon this day, prohibiting the proclamation of the Prince of Wales as King, for immediately after the sentence on the previous Saturday the House had passed another "Act" prohibiting the proclamation of any one as King. The "Act" of this day followed the execution of the King, and did not precede it.

When the executioners had been found, an order or warrant to them was necessary, and it was the duty of either Hacker, Huncks, or Phaire to draw it up and sign it. If only this

great a wickedness; but a Judas never will be wanting. A Collonel, formerly a brazier [i.e., Fox] to the great dishonour of the noble military art, with his servant a minister, both masked were those who cut the thread of his Majesties life and in it, his loyal subjects happiness. A rogue of a minister after his head was severed from his sacred body, elevated it publicly to the people; and which is more inhuman, it's written that the little Duke of Gloucester was placed against the scaffold to see his royal father sacrificed" (I have failed to find corroboration of this last accusation) (Ellis, "Original letters," &c., second series, iii., pp. 340-343). Kent's letter is dated 11th March, 1649 (new style).

Père Cyprien de Gamaches, the Queen's chaplain, says in his "Memoirs": "Though the hand of the executioner was accustomed to blood, still it had such a horror of shedding that of its prince that, to avoid being stained by it, the executioner secretly left London, and kept himself concealed on the day of execution. Another man in a mask, who was said to be a minister took his place and, more inhuman and cruel than a thousand executioners, holding in his hand a sharp cutlass (sic) with a lion's rage and tiger's fury struck the King with such force that, at one stroke, he severed his head from his body" ("Memoirs of Père Cyprien de Gamaches" in Birch's "Court and Times of Charles I.," ii., p. 380).

⁴ "Exact and most impartial accompt," &c., p. 228.

⁵ *Ibid.*, p. 194. It should be noticed that Burden added, at Hulet's trial, that Hulet, and not the hangman, was supposed to have beheaded the King.

The King's Last Hours.

document had survived no controversy about the identity of the headsman of Charles I. would be possible. However, here again, two out of the three men saved themselves from the penalty for regicide by refusing to draw it up or sign it. At Hacker's trial, in 1660, Colonel Huncks gave evidence, and stated that a little before the King died he was in Ireton's chamber, where Ireton and Harrison were in bed together. Cromwell, Hacker, Phaire, and Axtell were present, and himself standing at the door. The warrant for the execution, addressed to Hacker, Huncks, and Phaire, was then produced. "But," went on Huncks, "Cromwell addressed himself to me, commanding me, by virtue of that warrant, to draw up an order for the executioners. I refused it. and upon refusing of it there happened some cross passages. Cromwell would have no delay. There was a little table that stood by the door, and pen, ink and paper being there, Cromwell stepped and writ. I conceive he writ that which he would have had me to write. As soon as he had done writing he gives the pen over to Hacker, Hacker he stoops and did write, I cannot say what he writ, away goes Cromwell and then Axtell."

"What followed?" asked counsel.

"Immediately the King came out and was murdered," replied Huncks.

Counsel also asked, "Did Cromwell give you no bad names because you would not write that order? Did not he say you were a coward?"

Huncks replied, "He said I was a froward peevish fellow."

Evidently, therefore, the two headsmen were not finally selected until the day of execution.

When at last the King was summoned to the scaffold the sun had broken through the clouds and was shining brilliantly.

Nor mask, nor veil, nor sables would it wear,
Nor red with anger, nor yet pale with fear,

wrote an unknown poet.⁶

The scaffold was a large one, for there were at least fifteen persons upon it, and the space between it and the rails fixed upon the posts was filled with soldiers. Outside the rails troops of horse occupied the street. No precaution against an attempt to rescue the King, therefore, had been neglected, and any speech

⁶ "Upon the Sun shining so clearly at the time and manner of the King's death." MS. in the handwriting of George Thomason, E. 555 (20).

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or appeal he might make to his people would be unheard, so far from the public was he. They, however, crowded the roofs of the adjacent buildings, and approached as near as they were allowed. Royalists generally absented themselves. Evelyn, for instance, shut himself up and spent the day in fasting and prayer.

In the centre of the scaffold opposite the fourth, or centre, "great window" were the block, a billet about eighteen inches long, six inches in height,⁷ flat at the bottom and rounded at the top, the axe, the staples and tackle with which to drag the King down to the block. Thus the King's anxiety that none should touch the axe is explained by the risk of its being trodden upon and its edge blunted by those who stumbled over the staples and hauling tackle. There was also a cheap deal coffin, a shell covered with black velvet. Two headsmen, both hideously disguised, awaited the King. Both were masked by "vizards" covering the whole face. Further to conceal their identity each wore a wig and a false beard. One (this was the man who held up the King's head after it had been severed from the body) wore a hat "cocked up" with a wig and a false beard, said by one witness to have been black, and another witness flaxen, in hue. The other man, who struck the fatal blow, had on a "grey grisled periwig which hung down very low" and "a grey beard." For the tight-fitting tunic worn by the executioner, close woollen frocks like to those of butchers, or, as another eyewitness said, sailors, were substituted, and each had on frieze trunk breeches.

"No man," wrote the staunch Presbyterian author of the "Perfect Weekly Account," could have come "with more confidence and appearance of resolution" upon the scaffold than did the King, "viewing the block, with the axe lying upon it and iron staples in the scaffold to bind him down upon the block in case he had refused to submit himself freely, without being any way daunted. Yea, when the deputies of that grim Serjeant, Death, appeared with a terrifying disguise, the King with a pleasant countenance said he freely forgave them."

Fuller says that the King held in his hand "a small piece

⁷ The "Relation veritable de la mort barbare et cruelle du Roy d'Angleterre," published at Paris in 1649, states that the block was "un billot haut du demy pied." I. Ango, translator of the "Mercure Anglois," who also published a "Relation generale et veritable" at Paris in 1649, substitutes the nautical word "chouquet" (used for the cap of a mast) for "billot." A Spanish account says that it was "un leno de pie y medio de largo y medio de alto" (Add. MSS., 28470, f. 162).



Frontispiece to "The true characters of, The Educations, Inclinations and several dispositions of those Bloody and Barbarous persons who sate as judges, &c."

(Published 14th Dec)

his depicts the disguis of the headsman and f the King and Bishop.

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of paper, some four inches square, containing heads whereon in his speech he intended to dilate; and a tall soldier, looking over the King's shoulder, read it as the King held it in his hand. As for the speech which passeth in print for the King's [set out in Appendix D.] though taken in shorthand by some eminent therein it is done so defectively it deserveth not to be accounted his speech, by the testimony of such as heard it. His speech ended, he gave that small paper to the bishop of London.

"After his death the officers demanded the paper of the bishop, who, because of the depths of his pocket, smallness of that paper, and the mixture of others therewith, could not so soon produce it as was required. At last he brought it forth, but therewith the others were unsatisfied (jealousy is quick of growth) as not the same which his Majesty delivered unto him; when presently the soldier whose rudeness (the bad cause of a good effect) had formerly over inspected it in the King's hand, attested this the very same paper and prevented further suspicions, which might have terminated to the bishop's trouble."

The only journalist who attempted to give a full account of all that took place was loyal old John Dillingham in his "Moderate Intelligencer" so I resume his narrative at this point:

"The scaffold was laid with black bays, also the rails about it; the block a little piece of wood, flat at bottom, about a foot and a half long. At his first coming he (the King) look't upon the people, who were numerous, as also the soldiers. Little appeared in the faces of any; either of joy or sorrow; those who had most cause to mourn, as greatest losers, being absent. He presently turned him to them about him, who were about 15 persons, and spake to this effect. That they (supposing them of the Parl. and Army party) were out of the way which he would gladly put them into; out of the way, because the Kingdom consisted of 3 estates, King, Lords and Commons and they were devolved into one, and that but a piece of one, and that under a power. To put them into the way he propounded three things, as to God, King and People. That a national synod be called to compose the differences in the Church. For the King, that a lawful succession may be by authority of Parl.; for the People, that a free election of members be to represent them in Parl. The Bishop desired him to say somewhat in order to his religion. He said he died in the Protestant religion as he was brought up

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in by his father and as it was establish't by the Law of the land. He, as formerly, protested nothing lay so heavy on his conscience as his consenting to the death of the Earle of Strafford. Which words, were they in oblivion, it were better for his honour and his children's good. One standing so neer the Axe that his cloke touch'd it, which he seeing said, 'Do not hurt the Axe, though it may Me.' His George he gave to the Bishop, desiring it might be sent to his son Charles, his cane to himself, his silver watch to the D. of Richmond, his gold one to his Duchess, his striking clock to M. Herbert, who he said had taken great pains and he had no other way to requite him. His speech upon the scaffold ended, he prepared for death, putting on his cap, and off his doublet, and presently laid his head over the block, which was at one blow struck off by one in disguise, and taken up by another in disguise also, which he held up, said nothing. After, head and body was put in a coffin of no great price, where for a time it lay open for those to see who desired.

"Thus you have from first to last of this Tragoedie such particulars as could be got from severall hands. Many have said and possible true, wilfulness hath chiefly occasioned what has befallen."

In the next number of his "Moderate Intelligencer," published upon 8th February, Dillingham completed this narrative:

"Somewhat was omitted in the last, spoken by the King upon the scaffold, and because apprehended dangerous to publish, as diameter, yet since being allowed to be printed take a briefe of it. As for that mentioned in the last, nothing was said but from auditors, who it appears since did add to what was said. It's true, that of the King concerning his father's death, the Rebellion in Ireland and the Earl of Strafford was not spoken upon the scaffold but only privately, the latter¹ hinted, that omitted was.

"He said, he could forbear speaking, but that some would think he submitted to the guilt as well as to the punishment, but he thought it his duty to God and his country to cleere himself, to be an honest man, a good King and Christian. For his innocency he said he believed all the world knew he began not the war with the two Houses, nor (God was his witness) intended not (sic) thereby to encroach upon their privileges. It's true the Militia they began upon, which they confes't was his, but they it fit to have it from him, which he was not willing to part with.



**Frontispiece to "The Famous Tragedy of King Charles,"
second edition 1709**

(Showing the position of the King at the block).

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As to the dates of Commissions, if any look, or to the declarations, it will appear cleere the Parliament began the war, or unhappy troubles, so that he hoped God would clear him of the enormities charged upon him, nor doth he lay it upon the two House of Parliament, but upon evil instruments between both, who have been the chief cause of all the bloodshed. It's true, he confessed God's judgments are just upon him and judgments are often paid by an unjust sentence. And an unjust sentence, which he suffered to take effect [Strafford], is now punished upon him by an unjust sentence.

"That he dyed a good Christian he affirms, for he had forgiven all the world, yea, those who chiefly caused his death (naming none). He wished their repentance and that they may take the right way to the peace of the kingdom, which was not by way of conquest, the way he apprehended hitherto designed. He did not believe the happiness of people lay in sharing government, subject and sovereign being clean different. And if he would have given way to an arbitrary government, and to have all laws changed according to the sword, he needed not to have suffered, and so said he was a martyr for the people.

"These, with what was mentioned in the former [number] were the substance, only one thing was omitted, which by word of mouth he sent by Mr. Seamer [Seymour] to his son. Which was to tell him that, in his endeavours to get the Crown, or possession of the kingdom, he should first labour by all means possible of treaty and shun war. And, however attained, he should be careful to forgive his enemies and forget their opposition, shewing mercy, as the best way to establish any throne."

The writer of a private letter, dated 30th January, expressed the views of Londoners in general: "All the news I can send you is that the King this day was beheaded before Whitehall Gate. It much discontents the citizens; the manner of his deportment was very resolutely, with some smiling countenances, intimating his willingness to be out of his troubles. He made no speech to the people, but to those upon the stage with him, expressing that they murdered him."⁸

Attention should be drawn to the fact that the second headsman held up the King's head in silence. It was customary at executions for treason for the headsman to exhibit the severed head

⁸ "Notes and Queries," series vii., vol. 8, 326.

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with the cry of "Behold the head of a traitor." Many writers assert that this cry was raised when the King was beheaded, though none is able to give proof of this assertion. But Dillingham says that the man "said nothing," and of the eight other newsbook writers giving an account of the execution, not one contradicts him. Therefore the fact that the customary cry of "Behold the head of a traitor" was omitted is evidence that the man was not accustomed to his task, or (more probably) that he was afraid to call out for fear that his voice might be recognised. The time when the fatal blow was struck was within a minute of two o'clock, according to Sir William Sanderson.

One horror-struck witness of the scene at the scaffold was Philip Henry, the father of a worthy Nonconformist divine. Matthew Henry, the Biblical commentator. Philip Henry's own father, John Henry, had been one of the King's pages, and had apartments at Whitehall. The old man saw the King on his way to his barge at the time of the trial, and was greeted by the King, who was surprised to find him still alive. John Henry "prayed God to bless his Majesty and deliver him out of the hands of his enemies, for which the guard had like to be rough on him." Thus Philip Henry was present at the beheading, and wrote that he saw it all "with a sad heart," and that "at the instant when the blow was given there was such a dismal universal groan⁹ amongst the thousands of people that were within sight of it, as it were with one consent, as he never heard before and desired he might never hear again, nor see such a cause for it." He added that "After the blow was struck, there was according to order one troop marching from Charing Cross towards Kings Street and another from Kings Street towards Charing Cross, purposely to disperse and scatter the people."

The Irish Protestant Archbishop, Usher, was watching the scene from the roof of Wallingford House, on the site of which the Admiralty now stands, but, when the King put off his doublet

⁹ The "London Journal" for 26th December, 1730, contains a reminiscence of an eyewitness who heard this groan: "One Margaret Coe, of the parish of St. Saviour, Southwark, died a few days since, in the 104th year of her age. She was 21 years old when King Charles I. was beheaded and was a servant at Whitehall; she saw the executioner hold up the head after he had cut it off and remembered the dismal groan that was made by the vast multitude of spectators when the fatal blow was given. Her husband was afterwards waterman to King Charles II. and kept his fishponds in Southwark, which have since been fill'd up. She lived upon milk diet for above twenty years past, not eating any flesh all the time."

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and appeared in his waistcoat, began to faint, and had to be led below.

A terrible scene took place when all was over. Sir William Dugdale wrote, in his Diary, "His head was thrown down by him that took it up. Bruised the face. His hair was cut off. Soldiers dipped their swords in his blood. Base language upon his dead body."

The Royalist "*Mercurius Elencticus*," published on 7th February, 1649, said: "When they had murdered him, such as desired to dip their handkerchiefs or other things in his blood, were admitted for monies. Others bought pieces of board which were dy'd with his blood, for which the soldiers took of some a shilling, of others half a crowne, more or lesse, according to the quality of the persons that sought it. But none without ready money. And after his body was coffin'd as many as desired to see it, were permitted at a certain rate, by which meanes the soldiers got store of moneys, insomuch that one was heard to say 'I would we had two or three more Majesties to behead, if we could but make such use of them.'"

Sir Roger Manley wrote: "They were inhumanly barbarous to his dead corpse. His hair and his blood were sold by parcels. Their hands and sticks were tinged by his blood and the block, now cut into chips, as also the sand sprinkled with his sacred gore, were exposed for sale. Which were greedily bought, but for different ends, by some as trophies of their slain enemy, and by others as precious reliques of their beloved prince. It is certain that Cromwell, to satisfy his greedy eyes, had caused the coffin to be opened at Whitehall and did with his fingers search the wound as if he had still doubted of the effecting of his hellish cruelty."

When King Charles's body was inspected in 1813, it was found that the hair had been cut off, and was only an inch long at the back.

And Richard Symonds, the Royalist soldier and antiquary, who died about the year 1692, corroborates the story of Cromwell's inspection of the King's body. Amongst Symonds's MSS. there is a small notebook containing anecdotes about the men of his times, particularly Cromwell, for whom, naturally, he had an antipathy. In this he states: "When the King was beheaded and the body and head put into a coffin and set in the Banqueting House, Oliver Cromwell came, with one Bowtell of Suffolk, near Framingham, and

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tried to open the side with his staff, but could not, then he took Bowtells sword and with the pummel knockt up the lid and looked upon the King, showing him to Bowtell. Then at that time this Bowtell asked him what government we should have. He said, 'the same that is now.' This Bowtell told Coll. Rolston, who at first was his great enemy and persecutor of Rolston, but after this left off the service. Col. Rolston."¹

Other accounts than that of Dillingham mention the King's last word to Bishop Juxon, viz.; "Remember," as he handed him his George, but all agree in thinking that it simply meant that the King had commanded him to send it to the Prince of Wales.

"The Moderate," for instance, states that the King "took off his cloak and his George, giving his George to Doctor Juxon, saying, 'Remember' (it is thought for to give it to the Prince)." "The Kingdoms Weekly Intelligencer" repeated this explanation, and the only account differing from these two was that of "The Kingdoms Faithful Scout," which contains the absurd version of "Remember me to my son Charles."

Nevertheless, then as now, there was thought to be something mysterious in the word, so that Bishop Juxon, who had been ordered to be under the same "restraint" as the King when permission was given for him to attend His Majesty (on 27th January), was still kept under arrest. Some papers were taken from the Bishop by Ireton, as well as the George, and also the Garter, which the King was wearing on the scaffold and did not remove, probably because he forgot to do so. A peculiarly cruel theft was that of the two seals given to the Princess Elizabeth. On the following day, Wednesday, 31st January, Ireton reported in the House of Commons, "a paper of divers particulars concerning the late King's body, his George, his diamond and two seals." The House then debated the matter, and resolved that neither the diamonds, the Garter, nor the seals were to be sent to the Prince of Wales. Bishop Juxon must have given the same account of the word "Remember" as the newsbooks, for he was then ordered to be "discharged of his restraint." Thus, the word "Remember" had earned him an additional day's arrest. All these jewels were afterwards sold, and the proceeds pocketed by the rulers of

¹ Harleian MS. 991. The words "Col. Rolston" at the end of this anecdote indicate that Symonds had the story from Rolston. As this is contemporary evidence, it refutes the "cruel necessity" fable, related upon the solitary authority of a late eighteenth-century compiler of a book of anecdotes.

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the times. The George, which enclosed a portrait of the Queen, realised £70, and the Garter, which contained 412 small diamonds, was sold for £160.²

It will be asked what Fairfax was doing at this critical point of time. His wife had upon both the first day's trial and the last day publicly protested at the actual proceedings against the King, and it is not to be supposed that he himself did not do all he could to prevent the final tragedy. He wrote that "my afflicted and troubled mind and my earnest endeavours to prevent it will, I hope, sufficiently testify my dislike and abhorrence of the Fact."³

Dillingham, who would have said more had he dared to do so, wrote in his "Moderate Intelligencer" under the date of 29th January: "This day the General went to the great officers and had a Council of War, at which he propounded, as 'tis said, to put off the execution of the King."

But if a writer in the "Carte Papers" (i., p. 212) is accurate, Cromwell placed Fairfax under arrest. He says: "Sunday was se'nnight Cromwell put a guard upon Fairfax, accusing him of an intention to deliver the King." Royalist satires corroborate the story by adding that Fairfax was kept under guard by two troops of Cromwell's regiment, posted outside his house in Queen Street (Lincoln's Inn Fields).⁴

Herbert's story of his meeting Fairfax at Whitehall on the fatal day is evidently one more of his serious mistakes about dates and places.

Sir Purbeck Temple went to Whitehall to see the King's body, and gave "half a piece" for permission to do so. "Axtell that

² Harleian MSS., Nos. 4898 and 7352, contain duplicate lists of the King's personal effects, with the sums realised upon sale. The remains of the George are now at Windsor Castle, and the story of this historic jewel has been told by Sir Ralph Payne-Gallwey in his "History of the George worn upon the scaffold by Charles I." (1908).

³ "Short Memorials" Antiquarian Repertory, vol. iii. (1808). Unfortunately, these memorials are deficient in the details we so much need.

⁴ "The 28th January being the Lords Day, at night I went to him (Fairfax) in Queen Street attended with two troops of my own regiment to remove the scruples he had made upon that rascally priest's (Obadiah Sedgwick's, pastor of St. Pauls, Covent Gardens) letter, or to secure him by force in case he had contracted more and would not be satisfied." "A most learned, conscientious and devout exercise, held forth the last Lords day at Sir Peter Temple's in Lincolns Inn Fields. By Lieut. General Cromwell," &c., p. 7. Thomason's date to this burlesque sermon is "June 25," 1649, E. 561 (10).

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then kept it in a scoffing manner took me by the hand (and) said, ' If thou thinkest there is any sanctity or holiness in it look here,' where I saw the head of the blessed martyr'd King lie in a coffin with his body, which smiled as perfectly as if it had been alive."

Alone amongst the journalists of the time, Henry Walker and Gilbert Mabbot wrote in a tone of triumph at the King's death.

" Had the King been guiltless of the charge," wrote Walker, " who is so weak to think that he would have suffered the sentence of death to have passed upon him for want of pleading?"

Later on, in the same number of his " Perfect Occurrences," he commented: " Those of the Kings line that now are, or hereafter shall be, may sadly lay it to heart and not aspire to monarchy, considering what sad success their predecessors have had. King Charles is beheaded, his brother was poisoned (!), his sister put to exile, his eldest son exiled, her eldest son drowned, his father strongly suspected to be poisoned, his grandfather murdered and hanged on a tree and his grandmother beheaded."

To which it may be added that the first King of the House of Stuart, James I. of Scotland, was assassinated, James II., his son, was killed in battle with the English, and James III. and James IV. were both killed in battle with rebels.

Viler insinuations were made by Gilbert Mabbot in his announcement of the King's death—

" A gentlewoman big with child," wrote he, " some days before the King's execution, pretended she longed to kiss the King's hand; which, after some denials of the officers that attended him, was at last (considering her condition) though contrary to their instructions admitted. After she had greedily kist his hand, his Majesty as eagerly saluted her lips, three or four times. This gentlewoman is reported by some that then knew her, to be formerly the black handsome maid that waited on him at the Isle of Wight."⁵

When the news of the King's death arrived at Brussels a day or two later on, the famous James Graham, first Marquis of Montrose, fainted with grief. When he was restored he made a vow to dedicate the rest of his life to avenging the Royal martyr and to re-establishing his son upon the throne. On the third

⁵ " Perfect Occurrences " for 26th January-2nd February, and " The Moderate " for 30th January-6th February, 1648-9.

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day, Dr. Wishart, his chaplain, found that Montrose had written these lines upon a small piece of paper :⁶

Great, Good and Just, could I but rate
My grief with thy too rigid fate
I'd weep the world in such a strain
As it should deluge once again.
But since thy loud tongued blood demands supplies
More from Briareus' hands, than Argus' eyes
I'll sing thine obsequies with trumpet sounds
And write thine epitaph in blood and wounds.

Alas! the great Montrose perished like his master, and was executed at Edinburgh on 21st May, 1650.

The White King's Funeral.

Under the date of 31st January there is an entry in the " Commons Journals " about a sum of money paid for the King's execution. No other inference can be placed upon the following passage, which indicates a method of disposing of the public money never before known : " Ordered, also, that the Lord Grey (of Groby) should have £100 paid to him out of Haberdasher's Hall, to be disposed of for the service of the Commonwealth as he shall think fit."

On the following day, Thursday, 1st February, the King's body was embalmed and the head sewn on by Thomas Trapham, a Maidstone surgeon, who made the brutal remark that he had " sewed on the head of a goose." He afterwards was Cromwell's surgeon, and probably embalmed his body when he died in 1658.⁷ On the same day the body was removed from Whitehall to St. James's. Several days then passed before the Army Parliament decided where it should be buried, for obvious reasons refusing permission to bury it in Westminster Abbey, but on the night of Wednesday, 7th February (a warrant dated the 6th having been granted to them), it was conveyed to Windsor by Herbert and three others of the King's servants. Presumably those in power ordered the removal of the body to take place at night, in order to prevent any demonstration of sorrow by the public. The Army Parlia-

⁶ Mark Napier, " Memoirs of Montrose." The verse was set to music by Pepys.

⁷ Wood's " Fasti," ii., 146. For Trapham's employment by Cromwell, see the Calendars of Domestic State Papers, from 1654 to 1659.

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ment, the next day, and not before, gave permission to four Peers to attend the funeral. There was some doubt whether this last grudging permission would be granted, for, by the time when the Peers arrived at Windsor, the grave had already been prepared for the King near Edward IV., whose tomb is on the north side of the high altar in St. George's Chapel. But when the Peers arrived they reversed the decision to bury the King in an ordinary grave, probably because he had requested that his body should be embalmed, in order that when, as he anticipated, the Prince of Wales returned to the kingdom, it might be given a proper funeral. Walking up the quire, therefore, the Duke of Richmond and the other Peers knocked on the pavement, seeking for a vault, and finding a hollow sound, "caused the place to be opened, it being near to the seats and opposite to the eleventh stall on the Sovereign's side, in which were two coffins, one very large, of King Henry VIII., the other of Queen Jane his third wife, both covered with velvet, whereupon they concluded to deposit it there."

There, in the same vault, with his head towards the eleventh stall, at the feet of Henry VIII., lies the White King at the present day. Catholics were not slow in drawing a moral from this union in death of the King who had first proclaimed himself to be "Head of the Church" and of the King who had died for the sake of and to all appearances with that Church.⁸ Madame de Motteville spoke for them and, perhaps, for the widowed Queen, Henriette Marie, when she wrote that Charles I. was "a good Prince, and one whose life was free from reproach except that heresy which he had imbibed from his ancestors—a heresy of which his misfortunes seemed to be the consequence, as the sin of Henry VIII. was the source of it."

The longest and best account of the funeral was written by Gilbert Mabbot, in "The Moderate," as follows:

"For the funeral of the King. Four of the King's servants, Mr. Herbert, Mr. Mildmay, Mr. Duckett and Capt. Preston were appointed for the interring of the King, which was done on Friday (the 9th). Those four gent. had orders to inter him either in the Quire or Chapel at Windsor. In case the Duke of Lenox (Richmond) came, it was left to him to bury him where he pleased.

⁸ See the tract "Nuntius a mortuis," a dialogue of the dead, between Charles I. and Henry VIII., published in June, 1657. There is a translation of this in the "Harleian Miscellany," vi., 474. The editor of this terms the unknown writer "a shameless papistical bigot."

The White King's Funeral.

The four gent. viewed the place and thought fit to lay the King near Edward the 4, from whom this King Charles was lineally descended, although they knew there was a vault where Hen. 8 lay. But in respect King Charles never affected Hen. 8, because he sold the Abbey lands, they did not make choyce of that vault, till such time as the D. of Richmond came, who made search for Hen. 8 vault in the middle of the Quire, where was found Hen. 8 body and the Lady Jane Seymour, and there was room for one body more. The King said often, and the other day at Windsor, that Hen. 8 was never buried⁹ because he invaded the Church lands, but the business being then at the Dukes disposal, the King was buried with Hen. 8 in his vault and there lie two of the greatest tyrants that ever were in England. Upon Hen. 8 was found purple velvet, which was buried with him, and upon King Charles his coffin was laid a black velvet cover. The first night the King was brought to Windsor he was brought into his bed-chamber, the next day the Dean's Hall was prepared with mourning. Then he was brought thither, the room being made dark and lightened by torches, where the body was till the time of burial, which was about two in the afternoon. The Duke of Lenox caused this inscription to be cut in letters and put upon the coffin, 'King Charles, 1648.'

"The manner of his carriage to the grave thus. The King's servants that waited all the time of the King's imprisonment went before the body, the Governor [Whichcot] and Dr. Juxon went next before the body, the four lords, Richmond, Hertford, Southampton and Lindsay carryed the four corners of the velvet over the corps, which was carried by soldiers. It was desired by the D. of Richmond that the Bishop might use the ceremonies used at the burial of the dead, but it was the opinion of the Governor and those gentlemen employed by the Parliament, that he ought not to use the Book of Common Prayer, although the Parl. did permit to use such decency as the Duke should think fit. But if the Dr. had any exhortation to say without book he should have leave, but he could say nothing without book."

⁹ The meaning of this is obscure. Stephen Gardiner, Bishop of Winchester, officiated at the funeral of Henry VIII. and preached a sermon.

¹ "Lambert Wood" says that "a small piece of lead some two foot long and two inches broad, on which was inscribed 'King Charles, 1648,' was sawdred to the brest of the corpse," that is, to the lead coffin. There was no outer coffin of wood.

King Charles I.

"This is memorable," wrote Herbert, "that at such time as the King's body was brought out of St. George's Hall the sky was serene and clear, but presently it began to snow, and fell so fast as by that time they came to the West end of the Royal Chapel, the black velvet pall was all white (the colour of innocency) being thick covered with snow. So went the White King to his grave, in the 48th year of his age and the 22nd year and 10th month of his reign. Letting pass Merlin's prophecies, some make it allude to the white satin his Majesty wore when he was crowned in Westminster Abbey, in the year 1625, former kings having on purple robes at their coronation."

The words with which Lord Clarendon wrote of his murdered master may very well serve as that King's epitaph:

"He was the worthiest gentleman, the best master, the best friend, the best husband, the best father and the best Christian, that the age in which he lived had produced. And if he was not the best King, if he was without some parts and qualities which have made some Kings great and happy, no other prince was ever unhappy who was possessed of half his virtues and endowments, and so much without any kind of vice."²

Dr. James Welwood, the Scotch physician of William III., a pronounced Whig, who was also a journalist, is the authority for the story of King Charles consulting the "*Sortes Virgilianæ*." When the King was at Oxford, wrote Welwood, during the first Civil War, he visited the University library one day in company with Lord Falkland. Amongst the books shown to them was a splendidly bound copy of Virgil's *Æneid*. To amuse the King, Lord Falkland induced him to try the "*Sortes Virgilianæ*," that is by thrusting a pin into the leaves to pick out haphazard a passage in order to see what it forecasted for him. The King did so, and the passage which turned up was Dido's imprecation against *Æneas* (Book 4, 88), which, in Dryden's translation, runs as follows:

Yet, let a race untamed and haughty foes
His peaceful entrance with dire arms oppose
Oppressed with numbers in th' unequal field
His men discouraged, and himself expelled;
Let him for succour sue from place to place
Torn from his subjects, and his son's embrace.

² "Great Rebellion," xi., 243.

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First let him see his friends in battle slain,
And their untimely fate lament in vain;
And when at length the cruel war shall cease,
On hard conditions may he buy his peace,
Nor let him then enjoy supreme command,
But fall untimely by some hostile hand,
And lie unburied in the barren sand.

John Aubrey, the antiquary, referring to the closing lines of Dido's imprecation upon Æneas, wrote that:

"I well remember that it was frequently and soberly affirmed by officers of arms and grandees that the body of King Charles the First was privately put into the sand at Whitehall; and the coffin that was carried to Windsor and laid in King Henry the Eighth's vault was filled with rubbish and brick bats. Mr. Fabian Phillips, jurisconsultus, who adventured his life before the King's trial by printing, assures me that the King's coffin cost but six shillings; a plain deal coffin."³

On this subject Lord Clarendon, in the "History of the Great Rebellion," is the source of an error that is misleading writers even at the present day. This is the assertion that after the Restoration the two survivors of the four Peers permitted to attend the burial of the King in 1649, namely, Lord Southampton (Thomas Wriothesley, who died 16th May, 1667) and Lord Lindsey (Montague Bertie, who died 25th July, 1666), "went to Windsor and took with them such of their servants who had attended them in that service" as well as others, but were unable to find the spot where the King had been buried. "In a word," goes on Clarendon, "the confusion they had at that time observed to be in that church, all things pulled down which distinguished between the body of the church and the quire and the small alterations which were begun to be made towards decency so totally perplexed their memories that they could not satisfy themselves in what place or part of the church the royal body was interred." Yet, he asserts, they caused the ground to be opened where any concurred upon this or that place. In the end, therefore, the project of reburying Charles I. with due honour was abandoned.

There is not, and never has been, any reason to give the slightest credit to this story. The spot was perfectly well known, and was pointed out to Pepys on 26th February, 1666. The church itself contains evidence that the screen between the quire

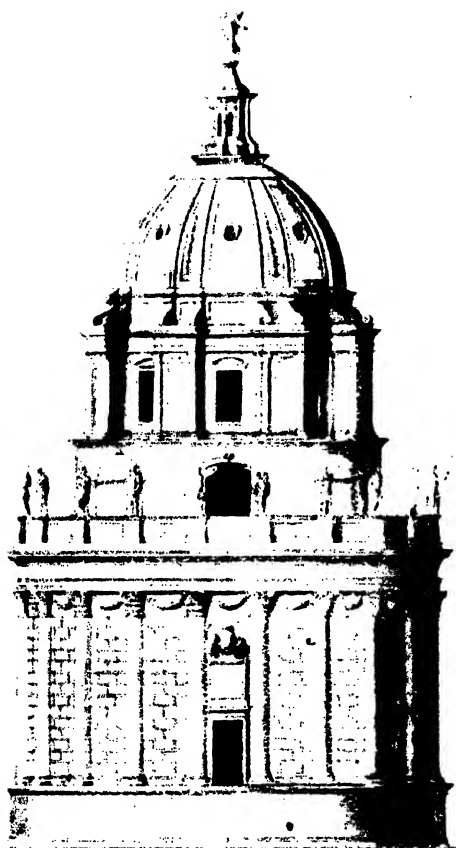
³ Aubrey's "Remains of Gentilisme." MS. Lansdowne, 231, f. 158.

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and the nave was not pulled down, nor do the stalls appear to have been tampered with, and the real reason why plans for the reburial of Charles I. were not taken up in earnest during Clarendon's lifetime was Charles II.'s chronic lack of money owing to his Parliament's failure to provide him with the income it had agreed to give him. Clarendon died on 9th December, 1674. On 30th January, 1678, the House of Commons sat in a Committee, with Sir Philip Warwick in the chair, and decided to take in hand the burial of Charles I. The King "in his intentions had computed the prospect of the charge at £80,000," said Secretary Williamson, adding, "If there be a monument, the charge will not presently begin; it will be four years in building." Secretary Coventry, in proposing a procession and a monument, stated that "the great charge and the wars we have been in almost ever since the King's Restoration have hindered the King from doing it." A discussion about the place where the King should be reburied followed, Sir John Berkenhead and Col. Titus suggesting St. Paul's and others Henry VII.'s chapel at Westminster Abbey, but in the end the Committee decided to leave the choice of the place to the King's pleasure, and voted that two months' tax should be raised, at the rate of £34,000 a month, for the funeral and the monument, "the first months payment to commence from the expiration of the present monthly tax, and the second, the twelvemonth after." A Bill was then ordered to be brought in. On 12th February this Bill was read the first and second times, and on 20th March was considered in a Grand Committee. The only speech recorded on that day was that of Mr. Waller, who remarked, "The other day I was at Windsor and an old sexton showed me the place where the late King was buried in St. George's chapel."⁴

No notice was taken of Clarendon's story in the course of the discussions, and the reports mentioned by Aubrey alone seem to have raised any doubts. These doubts were speedily set at rest by Herbert, who was still living and in a position not only to identify the spot but also to prove that he had seen the King's body coffined and laid at rest. At the suggestion of Sir William Dugdale, Herbert then wrote his "Memoirs," first known in 1678 under the title of "Threnodia Carolina," but printed as Herbert's "Memoirs" in the first edition of 1702. These

⁴ Anchitell Grey's "Debates," vol. 5, under the dates cited. See also Wren's "Parentalia," p. 331 *et seq.*



**Mausoleum Divi Caroli Regii Martyris. Excogitatum anno Salutis
1678. De mandato serenissimi regis Caroli Secundi at (eheu
conditionem Temporum) Nondum Extractum**

(By permission of All Souls College, and by the courtesy of Messrs. Hodder
& Stoughton, Ltd.).

The White King's Funeral.

"Memoirs" rise at times to a height of pathos, but are a little too much concerned with Herbert's accounts of his own services to the King. Mistakes both as to facts as well as dates are frequent, for the memory of an old man of over seventy is notoriously treacherous, and Herbert does not seem to have had access to a file of any one of the Parliamentary newsbooks with which to check either his facts or his dates.

The King decided to have his father reinterred at St. George's, Windsor, in a new mausoleum designed by Sir Christopher Wren. This was to have been erected upon the site of Cardinal Wolsey's Tomb House, destroyed by the Long Parliament in 1646, owing to the numerous statues with which it was ornamented. The site is now occupied by the Albert Memorial Chapel.

The mausoleum was to have been surmounted by a colossal statue of Fame, upon the summit of the lantern, with twenty other statues on the outside. Including the tomb to be placed inside, for which Wren drew alternative designs, one in bronze, the other in marble, each with emblematical figures, the total cost was estimated by him at over £43,000 (about £150,000 in our money). The exterior plan, apart from the statues, bears a striking resemblance to the Radcliffe Library at Oxford, designed by James Gibbs and completed in 1747, but would have formed an incongruous addition to the Gothic glories of St. George's.

But Parliament was prorogued on 15th July, 1678, before the Bill was finally passed, and did not meet again until 21st October. In the meantime Oates's "Popish Plot" broke out, and in the resulting struggle between the King and the House of Commons over the renewed persecution of the Catholics and the Bill of Exclusion, the Bill was lost sight of. The King dissolved Parliament on 24th January, 1679; the new Parliament, which met on 6th March, was dissolved on 12th July of the same year, the Parliament which followed and met on 17th October, 1679, was not suffered to sit until towards the end of 1680, and was dissolved on 18th January, 1681; and the last Parliament of the reign of Charles II. was summoned to meet at Oxford on 21st March, 1681, and sat for exactly a week, being dissolved on 28th March, 1681.

The bare recital of these facts shows that Charles II. was better able than his father to deal with a rebellious House of Commons. But since Charles II. ruled without a Parliament from 1681 until his death in 1685, Wren's plans were never carried

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out. However, Lord Clarendon's mistake led to an investigation in 1813, when, in the course of construction of a passage under the quire of St. George's Chapel leading to a new mausoleum, an aperture was accidentally made in one of the walls of the vault of King Henry VIII., through which the workmen could see not only the two coffins supposed to contain the bodies of Henry VIII. and Queen Jane Seymour, but also a third, covered with a black velvet pall.

The Prince Regent, afterwards George IV., was informed of this, and came to the conclusion that the doubt, suggested by Lord Clarendon, might be cleared up if this vault was opened. Accordingly on 1st April, 1813, in the presence of the Prince himself, the Duke of Cumberland, Count Munster, the Dean of Windsor, and others, including the Royal Physician, Sir Henry Hallford, who wrote a narrative of all that took place, the vault was opened.

"On removing the pall, a plain leaden coffin with no appearance of ever having been enclosed in wood and bearing an inscription, 'King Charles, 1648,' in large legible characters, on a scroll of lead encircling it, immediately presented itself to the view. A square opening was then made in the upper part of the lid, of such dimensions as to admit a clear insight into the contents. These were, an internal wooden coffin, very much decayed, and the body carefully wrapped up in cere-cloth, into the folds of which a quantity of unctuous or greasy matter mixed with resin, as it seemed, had been melted, so as to exclude, as effectually as possible, the external air."

Sir Henry Hallford goes on to describe the removal of the cere-cloth and exposure of the head, which from the pointed beard and other characteristics bore a strong resemblance to the likeness of Charles I. The head, which was found to be loose, was without difficulty "taken up and held to view." Of the hair, he states that it was "thick at the back part of the head and nearly black. A portion of it which has since been cleaned and dried is of a beautiful dark brown colour. That of the beard was of a redder brown. On the back part of the head it was more than an inch in length, and had probably been cut so short for the convenience of the executioner,⁵ or perhaps by the piety of friends soon after death in order to furnish memorials of the unhappy king."

⁵ This mistake is contradicted by the official account of the "King's Speech upon the Scaffold," set out in Appendix D.

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"On holding up the head, to examine the place of separation from the body, the muscles of the neck had evidently retracted themselves considerably; and the fourth cervical vertebra was found to be cut through its substance transversely, leaving the surfaces of the divided portions perfectly smooth and even, an appearance which could have been produced only by a heavy blow, inflicted with a very sharp instrument, and which furnished the last proof wanting to identify King Charles the First."

The head was then restored to its original place, the coffin was soldered up again, and the vault closed. A very small mahogany coffin, covered with crimson velvet, containing the body of an infant, was found laid upon the pall covering King Charles. This was known to have been a still-born child of the Princess George of Denmark, afterwards Queen Anne, buried on 21st September, 1696.

Sir Henry Halford's narrative was read to the Prince Regent, by whose command it had been drawn up, and the Prince then authenticated it by his own signature, previous to its being deposited in the British Museum. A small piece of bone, retained by Sir Henry Halford, was presented to King Edward VII., when Prince of Wales, who ordered the vault to be reopened and the relic laid upon the coffin.

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No historical mystery has been encumbered more by a number of traditions, most of them without foundation in fact, than the question of who it was that beheaded the King. Thus it is necessary to consider these accusations as far as possible in their chronological order, in order to see what they were worth. Richard Brandon, the hangman, commonly called "young Gregory" from the fact that he succeeded his father, Gregory Brandon, is alone exempt from any tradition. It is perfectly clear that up to the date of his death, though it was known that he had been fetched by force to Whitehall, no one believed that he had beheaded the King. The secrecy maintained over the whole affair, as well as the elaborate disguises of the two headmen, were practically conclusive on this point. Lord Leicester's words on this subject have already been quoted.

On the very day of the King's funeral, 9th February, 1649, Henry Walker printed the following denial in his "Perfect

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Occurrences": "Some malicious malignants, out of envy to an honest colonel [Fox] because he hath been faithful to the Parliament in doing them real service, have reported that he was the King's headsman; who was that that very instant known to be waiting on the lord president [Bradshawe]; that if any of these reporters of such a base false lye be found and taken they will be severely punished."

Jennings, the then licenser, a messenger to the newly appointed "Council of State," repeated this passage *verbatim* in his own "Perfect Summary" on 12th February.

Walker seems to have had some personal interest in the matter, for he again referred to the subject in his "Perfect Occurrences" on 6th April: "Some have lately laid an imputation on Captain Edward Frodsham, that he was the King's headsman. But the contrary is attested by those in whose company he was. And, indeed, the report is ridiculous." These are the only references to the subject to be found in the newsbooks prior to June, 1649, and it will be noticed at once that no one accused the hangman. A few weeks later on, on 20th June, Brandon, the hangman, died, and it was now open to all to accuse the dead man.

No fewer than thirteen licensed weekly newsbooks were in existence at the end of June, 1649, but the only writer who gave a full account of the hangman's death was the Presbyterian "R. C.," whose "Kingdoms Weekly Intelligencer" was in danger of suppression, owing to its writer's political and religious views. Under the date of Saturday, 23rd June, the writer of the "Kingdoms Weekly Intelligencer" published the following passage in his number for 19th-26th June, 1649, and it is more than probable that the licenser ordered him to do this:

"On Wednesday last the Hangman departed this life, and, on the Sunday before, a young man, a friend of his coming to visit him, asked him whether he was not troubled in conscience for cutting off the King's head. He replied, Yes, by reason that upon the time of his trial, and at the denouncing of sentence against him, he had taken a vow and protestation wishing God to perish his body and soule, if ever he appeared on the scaffold to do the act, or lift up his hand against him.

"Further acknowledging that he was no sooner entered upon the scaffold but immediately he fell a trembling and hath ever

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since continued in the same. He likewise confessed that he had £30 for his pains all paid him in half crowns (1) within an hour after the blow was given, which money he gave his wife at six o'clock that night and told her that it was the dearest money ever he earned in his life. He was very much disturbed in his sickness and lay raging and swearing and still pointing at one thing or another, which he conceived was visible before him.

"That a little time before the death of the aforesaid Richard Brandon, he being in some discourse with a neighbour, touching the executing of the King, said, that even at the very point of time when he was to give the blow, a great pain and ache took him about the neck and hath ever since continued and that he never slept quietly in his mind, saying that he was afraid to walk along the streets, or to go to his bed and sleep without a candle burning. The other fellow that was upon the scaffold, that went in the name of his man, was one Ralph Jones a ragman, who liveth in Rosemary Lane. And he who now takes his place, as executioner, is one William Loe, a dust carrier and cleaner of the dung hills."

Two days later on, another Presbyterian newsbook, "The Perfect Weekly Account," briefly noticed the matter in its issue for 20th-28th June. All the other newsbooks were silent.

Comparison of the passage in the "Kingdoms Weekly Intelligencer" with the tract often cited in modern times as proof that the hangman beheaded the King, namely, "The Confession of Richard Brandon"—ostensibly a Royalist satire, for it bears the imprint, "Printed in the year of the Hang-man's Downfall, 1649" (see illustration of title page)—proves that the passages set out above are word for word taken from this pseudo-satire. But the old collector, George Thomason, dated his copy of the "Confession" "June 25." Therefore the passages in the "Kingdoms Weekly Intelligencer" could not possibly have been copied from the "Confession," for both the newsbook and the "Confession" were in the press at the same time, as their dates prove, so "R. C." had been ordered to print them by the fabricators of the "Confession."

The sole point in the "Confession" that probably was true was that the hangman received a certain number of half-crowns to compensate him for his enforced attendance at Whitehall. Repeated references to these half-crowns will be noticed in the evidence set out below.

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Finally, another passage in the "Confession" itself proves that it was no Royalist publication at all, but a fraud. This passage runs: "Thus have I given thee an exact account and perfect relation of the life and death of Richard Brandon, to the end that the world may be convinced of those calumnious speeches and erroneous suggestions which are dayly spit from the mouth of Envy against divers persons of great worth and eminency by casting an odium upon them for the executing of the King; it being now made manifest that the aforesaid executioner was the only man that gave the fatall blow, and the man that wayted upon him was a Ragman living in Rosemary Lane."

No Royalist would have described his opponents as "persons of great worth and eminency."

Instead of furnishing evidence, therefore, that Brandon confessed that he beheaded the King, this tract is evidence to the contrary, for it proves that its writer was bent on concealing the solution of the mystery of who the two disguised headsman were.

Another tract published at the same time⁶ and entitled "The Last Will and Testament of Richard Brandon Esquire," also published on 25th June, was evidently a genuine Royalist satire. This hinted that the devil was present when Brandon died and asserted that, in addition to the £30 paid in half-crowns the hangman had "an orange stuck with cloves and a handkercher" from the King's pocket. Tench, it continued, was haunted by a devil and "rots away." The royalists, baffled in their endeavours to find out the truth, had seized the opportunity to accuse the dead man, in the hope that some one would again put forth a denial. But, henceforth, Walker carefully avoided the subject, and the mystery had not been solved.

One other point should be mentioned before closing this stage of the inquiry. The entry of Brandon's burial in the parish registers of Whitechapel runs, "June 21st. Rich. Brandon, a man out of Rosemary Lane." At a later date, some one added, in a different handwriting, "This R. Brandon is supposed to have cut off the head of Chas. I." If it could be proved that this addition was made contemporaneously, it would be worth citing, but this is not the case.

Immediately after the Restoration Parliament instituted inquiries on the subject. As early as 14th May, 1660, before the

⁶ "A song was also printed, on July 5, entitled 'A Dialogue between the hangman and death.'"

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King's return, the House of Commons ordered a man called "Mathew who gloried that he was an instrument in the execution of his late Majesty and that he had a reward of £300 for it," to be secured. Mathew, like many others, appears to have made his assertions simply to shock neighbours who did not share his opinions, for nothing more is recorded about him. Then inquiries were made simultaneously, by the Secretaries of State, and by a Committee of the House of Commons, of which Prynne was chairman. Phineas Payne, one of the messengers of the so-called Court, was examined by Secretary Nicholas on 25th June, 1660, owing to an accusation of this kind brought against him by a neighbour, Elizabeth Parsons.⁷ On 19th July Captain Audley and others certified that Christopher Allured, of Yorkshire, had boasted to the same effect.⁸ And on 8th August William Carey, a crier at the Court was the subject of similar accusations.⁹ The inquiries of the Secretaries of State ended with these cases.

William Lilly, the astrologer, was sent for to be examined by Prynne's Committee on 2nd June, and Prynne subsequently reported the result to the House. Lilly's evidence is set out in his by no means truthful autobiography, from which it has frequently been quoted, and is as follows:

"The next Sunday but one (11 Feb.) after Charles I. was beheaded, Robert Spavin, secretary to lieutenant-general Cromwell at that time, invited himself to dine with me and brought Anthony Pearson and several others along with him to dinner; that their principal discourse all dinner time was only who it was that beheaded the King. One said it was the common hangman; another, Hugh Peters; others also were nominated, but none concluded. Robert Spavin, so soon as dinner was done took me by the hand and carried me to the south window. Saith he, 'These are all mistaken, they have not named the man that did the Fact. It was lieutenant-colonel Joyce. I was in the room when he fitted himself for the work, stood behind him when he did it, when done went in again with him, there is no man knows this but my master, Cromwell, commissary Ireton and myself.' 'Doth not Mr. Rushworth know it?' said I. 'No, he doth not know it,' saith Spavin."

But the true facts of Spavin's relations with Lilly have not

⁷ S.P.Dom. Chas. II., 1660-1661, pp. 65 and 67.

⁸ *Ibid.*, p. 124.

⁹ *Ibid.*, p. 184.

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been known, and the bare narration of them will lead any one to dismiss this accusation.

During the last week in June, 1649, Cromwell caused a lengthy paragraph to be sent to Henry Walker, with the accompanying note :

“ Mr. Walker. Print this verbatim in your “ Occurrences,” for satisfying people how they and the Army have been abused by the practices of a Papist and others, to render the Army odious, as will appear by the following accompt.”¹

Briefly, Spavin and Lilly were accomplices in a plan for extorting money from Royalists who wished to leave the kingdom, by means of forged passes under Cromwell's hand and seal. Spavin was in the habit of forging these documents and Lilly of disposing of them, the two sharing the proceeds, which appear to have been considerable, as much as £50 having been paid for one pass to a “ Papist.” For this Spavin was dismissed and sentenced to ride from Whitehall to Westminster and thence to the city with placards on his back and breast signifying his crime in capital letters. Lilly's punishment was not stated.

After this the inquiries were followed in Ireland, in the track of Hewson's regiment, and with greater success. One person accused in Ireland was William Hewlett, who was excepted out of the “ Act of General Pardon and Oblivion,” on 25th June, 1660. His examination, taken by John Byssie, Recorder of Dublin, had been reported to the House on the previous 6th June, and with Colonel Phaire, Colonel Huncks, and John Cook he had been brought over from Ireland during the week ending 14th June. The law officers of the Crown, however, were not altogether satisfied with the evidence against “ Hulet alias Howlet ” (as his name is given in the report of the trials of the regicides), for Kelyng, afterwards Lord Chief Justice, who was one of the prosecuting counsel, states in his book of “ Reports ” that the prosecuting counsel met the judges at Serjeants Inn to consult about the form of the indictments and the procedure to be adopted (of which he gives full details), and in the course of this account says that, “ It not being known who did that villainous act, it was resolved that ‘ Quidam ignotus,’ with a visor on his face, did the act; and that was well enough; and the others persons laid [in the indictment] to be present, aiding and assisting thereunto.”

¹ “ Perfect Occurrences ” for 22nd-29th June, 1649

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Accordingly, the trials of 29 regicides commenced at Hicks Hall, in the Old Bailey, upon Wednesday, the 10th October, 1660. The presiding judge was the Lord Chief Baron, Sir Orlando Bridgeman, who was supported by a number of dignitaries of the realm as his fellow-Commissioners. The preliminary proceedings occupied the whole of the first day, but on the second day, Thursday, the 11th, Thomas Harrison (the former Colonel) was tried and sentenced to death. On Friday, the 12th, Scroop, Carew, Thomas Scot, Gregory Clement (who pleaded guilty), and John Jones, Cromwell's brother-in-law, were tried and condemned. On Saturday, the 13th, John Cook and Hugh Peters were tried and sentenced. "The Law and the Gospel have suffered much in those two," wrote Henry Muddiman, "but to say truth, the Bar has not so often been abused by the learning of the former as the pulpit by the blasphemy of the latter, whose tryal and death, as that excellent personage, Sir Heneage Finch, told him, will convert more in Old and New England. and be a better sermon than his life."²

Upon Monday, the 15th. Axtell, Hacker, and Hulet were all tried, Axtell first and Hulet last. Axtell had been steeped in murders and outrages in Ireland, and for this reason it is to be regretted that he was only tried for his crime of high treason. He it was who, at Drogheda, murdered all the officers in cold blood in a windmill on the Mill Mount,³ and after this time the murders and outrages committed by him were so numerous that he had actually fallen under the censure of Henry Cromwell.⁴ There was no hope for Axtell, therefore, for, whatever was the result of his trial for high treason, other serious charges were awaiting him. But he undoubtedly knew who the two disguised headsmen were, and, knowing that his case was hopeless, decided to throw every obstacle in the way of those anxious to ascertain who it was had beheaded the King. This became very evident at his trial, where an important witness was Lieut.-Colonel (John) Nelson, who had been second in command of Sir Hardress Waller's regiment in Ireland.

² "Mercurius Publicus" for 11th-18th October, 1660.

³ "Perfect Diurnall" for 1st-8th October, 1649.

⁴ R. Dunlop's "Ireland under the Commonwealth." For a list of the murders committed by Axtell, see the tract catalogued in the British Museum under the initials of its writer, "R. S.," published in 1662, and entitled "A Collection of some of the murders and outrages, committed upon the Irish in Ireland," &c., pp. 16 and 17. See also Cal.S.P. (Ireland), 1660-1662, pp. 26 and 27.

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"My lords and gentlemen of the jury," said Nelson, "upon a discourse with the prisoner at the bar in Dublin 5 or 6 years since, upon the platform in that castle we discoursed of the late Kings (execution). Having had several reports, I desired to know of him who it was that executed the King, thinking he might inform me. He was pleased to tell me this. Saith he, 'the persons that were employed in that service you know them as well as I do.' 'Sir, not I,' said I. 'I saw them in their vizards, but not their visage as I know of.' 'Yes,' saith he, 'you do know them. It is true,' saith he, 'myself and others were employed in that affair in order to the execution, but there were several persons came and offered themselves out of a kind of zeal to do the thing. But we did not think it proper to employ persons whom we did not know, but we made choice of a pair of stout persons.' 'Pray let me hear their names?' said I. Saith he, 'it was Hulet and Walker.' I desired to know their reward. 'Truly,' saith he, 'I do not know, whether £30 a piece, or between them.' I said it was a small reward for a work of that nature. 'Truly,' saith he, 'that was all.'"

Axtell then cross-examined Nelson.

"*Axtell*: You named one man, I did not hear the other named.

"*Nelson*: I named Hewlet (sic) and Walker. He was one that managed the execution, he told we (sic) so and it please you, sir.

"*Axtell*: He is pleased to say that in Ireland there was such conference; was anybody by?

"*Nelson*: No, sir.

"*Axtell*: Did I name any body to you?

"*Nelson*: You named those two persons.

"*Axtell*: Certainly I must invent them then, for I had no more knowledge of them than any one here.

"*Nelson*: You told me that you were one of them that had the managing of that affair."⁵

This revelation of the names of the two men in disguises was all that was brought forward on this subject at Axtell's trial. But the accusation of Walker, whose Christian name was never stated, at once arouses the suspicion that Henry Walker, the journalist, was alluded to, for "Walker" must have been some one whom

⁵ "Exact and most impartial accompt," &c., pp. 195-196.

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everybody recognised at once, and there was no other Walker than Henry Walker, whose name was so familiar to the public as to satisfy this condition. We need only point to the honours and rewards he received from the Rump and from Cromwell in and after 1649 as strong corroboration of this suspicion, and of an actual tradition that he was the man who beheaded the King.*

At this point one other arrest in Ireland needs notice. The Lord Lieutenant and Council wrote to Secretary Bennet, on 29th April, 1663, saying that Henry Porter had been for two years in prison charged with being the actual executioner of Charles I., and was "clamouring to be tried."† There is a strong probability that "Porter" had been mistaken for "Walker," and, if so, the fact that the Christian name of both was "Henry" is additional corroboration.

At Colonel Hacker's trial Lord Annesley gave evidence that when Hacker was examined by a Committee of the Privy Council "concerning the man that cut off the King's head," he stated positively that he did not know the man's name, and added that, though he had signed the warrant to the man and believed it had been read to him, that he could not then remember it. Hacker was then questioned by the Lord Chief Baron, as follows:

"*Lord Chief Baron:* Have you yet resolved who you gave the warrant to?

"*Hacker:* No, my lord, I delivered none.

"*Lord Chief Baron:* But you know who it was directed to?

"*Hacker:* No indeed, my lord, be pleased to ask Col. Huncks whether I read this warrant or no."

* In 1649 Walker was presented with the living of Uxbridge, and, as this was too far from London, was transferred to St. Michael's, Wood Street. Thence he went to the chapel at Knightsbridge, where his parishioners petitioned against him, but remained there until 1653, when Cromwell turned out the Rump and then presented him to the living of St. Martin's Vintry. On 15th July, 1649, he preached a sermon to the troops following Cromwell to Ireland in the King's Chapel at Whitehall, and published it. It has the highly appropriate motto on the title page of "Beware of false prophets." On the day when Cromwell entered into his power as "Captain General" of all the forces, immediately before starting for his campaign in Scotland, that is on 27th June, 1650, he selected Walker to preach to himself and his officers in the chapel at Somerset House. When the printed copy of the sermon arrived at Cromwell's camp in the north, however, Cromwell decided that the preface (quoted in S. R. Gardiner's "Commonwealth and Protectorate") was so derogatory to Fairfax that he ordered it to be burnt by the hangman. After this many worthless and, indeed, foolish religious tracts and books were published by Walker, some being dedicated to Cromwell. Both Peters and Hewson were Walker's intimate friends and correspondents.

† Calendar of State Papers, Irish series, 1663-1665. The surname "Porter" appears clearly in the original letter.

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That was all he had to say, and it appears truthful enough, for it certainly was to his interest to have revealed the name of the man, if he knew it.

Then came the supremely interesting trial of "William Hulet alias Howlet." In his opening statement the prosecuting counsel, Sir Edward Turner, said that, "I fear it will appear that it was he that gave that fatal blow, for he hath confessed he had an hundred pounds given him for his service therein, and we doubt not but to pluck off his vizor by and by."

The first witness was Richard Gittens, who gave evidence about Hewson summoning the 38 sergeants (already mentioned) and offering £100 to the man who would behead the King. "After all refused," however, added Gittens, "it seems he (Hulet) did undertake to do the deed." Hulet was not with his regiment all that day, he continued, but he had recognised his voice in spite of his disguise, when he knelt to ask the King's forgiveness. Hulet's disguise, he went on, was "a pair of freize trunk breeches and a visor with a gray beard." After that time Colonel Hewson called him "Father Graybeard," and "most of the Army besides."

Hulet's reply to this witness was to point out that he had contradicted himself by saying that he was in Scotland Yard and at the scaffold at the same time. He also denied that he ever was called "Father Graybeard."

Then a man called Stammers gave evidence. He had been in Hulet's troop when the latter was promoted captain-lieutenant by Hewson. Stammers swore that Hulet once told him, "I was the man that beheaded King Charles and for doing of it I had a hundred pounds—I was a Serjeant at the time." These words were spoken at Lutterel's town in Ireland.

Next came Captain Toogood. In September, 1650, said he, Hewson and Colonel Pretty told him in Dublin that "Hulet either cut off the King's head, or held it up, and said 'Behold the head of a traitor.'" This was not very good evidence, for we know from Dillingham's newsbook that the man did not say "Behold the head of a traitor." However, Captain Toogood was sure that it was the general belief that Hulet was one of the two disguised men.

The most important witness of all was Lieut.-Colonel Nelson, who repeated his previous statement with slight additions. "My lords and gentlemen of the jury," said Nelson, "upon a discourse with Col. Axtell, as I related once this day, about six years

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since (amongst) many other discourses we fell to discourse about the death of the late King. I supposing he had been acquainted with that affair, I desired him to tell me those two persons disguised upon the scaffold. He told me I knew the persons as well as himself. Saith he, 'They have been upon service with you many a time.' 'Pray, sir,' said I, 'let me know their names.' 'Truly,' saith he, 'we would not employ persons of low spirit that we did not know and therefore we pitched upon two stout fellows.' 'Who were these?' said I. 'It was Walker and Hulet, they were both serjeants in Kent when you were there.' 'Who gave the blow?' said I. Saith he, 'Poor Walker and Hulet took up the head.' 'Pray,' said I, 'what reward had they? I am not certain whether he said thirty pounds apiece or thirty pounds between them.'

One Walter Davis also swore that two years previously he was at a tavern in Dublin with Hulet, and that he then said to him, " 'I pray resolve me this question. It is reported that you took up the King's head and said, Behold the head of a traitor?' 'Sir,' said he, 'it was a question I never resolved any man, though often demanded. Yet,' saith he, 'whosoever said it then matters not, I say it now; it was the head of a traitor.' "

In his own defence Hulet then said, "I can tell you who was the person that did that Act. I can bring forty and forty witnesses that will prove who they were that did it, as I have been informed by several witnesses, that they knew who the person was that did it. Upon the other account I can prove where I was that day, but I did not know when I was arraigned what was laid to my charge. Here was some examinations taken before my Lord Mayor concerning the person or persons that did that Act (Here he offered a paper, a copy of the said examinations, subscribed Mary Brandon and divers others)."

Sir William Morice (Secretary of State), who sat on the bench, then intervened: "Were you not examined in the Tower?

"*Hulet*: Yes, sir.

"*Sir William Morice*: Did we not tell you that you were charged with cutting off the King's head?

"*Hulet*: Yes, sir, you did tell me so.

"*Lord Chief Baron*: Then you had time to provide your witnesses."

(This was quite true, for four months had elapsed since he had arrived in England.)

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"Hulet: I was a close prisoner.

"Lord Chief Baron: Where were you on the day of execution?

"Hulet: I was a prisoner then at Whitehall.

"Lord Chief Baron: For what?

"Hulet: Upon this account we were taken up, we were all serjeants. Three of Colonel Hacker's, the rest of Pride's and Fairfax's, and about ten-o'clock at night we were discharged.

"Lord Chief Baron: For what were you imprisoned?

"Hulet: For refusing to be upon the scaffold (!)."

Hulet then demanded that Hacker, Huncks, and Phaire should be examined, but it was pointed out to him that this had already been done.

Hulet then called five witnesses, amongst whom Mary Brandon, the widow of the hangman, was not included. The first of the five was an unnamed Sheriff's officer, who said that one of his fellow officers had told him that, when they were drinking together, that the hangman had said, "God forgive me, I did it and I had 40 half-crowns for my pains." This piece of hearsay, and the ridiculous fee of £5, paid in half-crowns, was not calculated to help Hulet's defence, nor was the evidence of the next witness called by him, Abraham Smith, a waterman. Smith said:

"My lord, as soon as that fatal blow was given, I was walking about Whitehall. Down came a file of musketeers. The first word they said was, 'Where be the bargemen?' Answer was made, 'Here are none.' Away they directed the hangman into my boat; he gave one of the soldiers a half-crown. Saith the soldiers, 'Waterman! Away with him, begone quickly!' But I, fearing this hangman had cut off the King's head, I trembled that he should come into my boat, but dared not examine him on shore for fear of the soldiers. So out I launched and having got a little way in the water, said I, 'Who the Devil have I got in my boat?' Says my fellow says he, 'Why?' I directed my speech to him saying, 'Are you the hangman that hath cut off the King's head?' 'No, as I am a sinner to God,' saith he, 'not I.' He shook, every joint of him. I knew not what to do. I rowed away a little further and fell to a new examination of him. 'Tell me true,' said I, 'are you the hangman that hath cut off the King's head? I cannot carry you,' said I. 'No,' saith he, 'I was fetched with a troop of horse and I was kept a close prisoner all the while, but they had my instruments.' I

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said I would sink the boat if he would not tell me true but he denied it with several protestations."

Hulet had better fortune with his next witness, a man called William Cox, who stated as follows:—

"When my lord Capell, Duke Hamilton and the Earl of Holland were beheaded in Palace Yard Westminster (9 March, 1649) my lord Capell asked the common hangman, said he, 'Did you cut off my master's head?' 'Yes,' saith he. 'Where is the instrument that did it?' He then brought the axe. 'Is this the same axe? Are you sure?' said my lord. 'Yes, my lord,' said the hangman. 'I am very sure it is the same.' My lord Capell took the axe and kissed it and gave him five pieces of gold. I heard him say, 'Sirrah, wert thou not afraid?' Saith the hangman, 'They made me cut it off, and I had thirty pounds for my pains.'"

But Cox's evidence is entirely without corroboration of any kind, and does not appear to have been true. On the 9th February, 1649, the House of Commons passed an "Act" prohibiting all printing of the proceedings against Lord Capel and the other Peers for three months. So that the official account of their speeches, &c., upon the scaffold is the only one published. This was published on 13th March, 1649, and is a quarto book of 43 pages, of which the last are devoted to Lord Capel,^s who held quite a long conversation with the executioner and with Lieut.-Colonel Beecher, who was in command upon the scaffold. According to this, Lord Capel first forgave the man, gave him five pounds, with instructions about the disposal of his body and his clothes, asked how he was to lie at the block, receiving the answer, "Flat on your belly, my lord," and much else, three whole pages being devoted to this conversation. And no corroboration is to be found of Cox's story about the axe in either Clarendon, Whitelock, Anthony à Wood or, most important of all, Quarles, who wrote Capel's "Elegy" and was on the scaffold, and, obviously, the best witness for Hulet to have called would have been Lieut.-Colonel Beecher, who heard all that was said. This Hulet did not do.

The last two witnesses called by Hulet were Richard Abell, who said that he had heard Brandon admit that he beheaded the King, and "a stranger," who testified to the same effect.

At the end of Hulet's trial there was a difficulty. Counsel's

^s Thomason Tract, E. 546 (21).

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opening statement to the effect that Hulet would be proved to have been the man who cut off the King's head had not been justified. The Lord Chief Baron pointed out to the jury that the witnesses in his favour were not sworn, and remarked that the whole issue was whether they were to be believed or not. So, "After a more than ordinary time of consultation," the jury returned with a verdict of guilty. Axtell, Hacker, and Hulet were all three then sentenced to death. There is no record of Hulet having been executed, though, as late as 10th November, 1660, it was thought that he, with Marten and Garland, would not escape.⁹ And, on 29th December, 1660, two petitions from him and a letter to the Speaker were reported to the House of Commons.¹ The fatal flaw in his defence, however, was that he did not call the hangman's widow, Mary Brandon, obviously because her evidence before the Lord Mayor had not corroborated that given against her husband by other witnesses.

In the eighteenth century the tradition that Henry Walker beheaded the King shifted to his brother William, secretary to Major-General Lambert. William Walker was a correspondent of Adam Baynes, M.P. for Leeds, during the Interregnum, whose correspondence is now in the British Museum,² and amongst this correspondence is a characteristic letter from Henry Walker, dated 27th January, 1656-7, stating that William was his brother and that he had written on his behalf at a time when William was sick and delirious. Fortunately, it is an easy matter to investigate and explain the traditions about William Walker and their origin, for William Walker retired to Darnal, Sheffield, after the Restoration, and was well known and respected there, so much so that, in 1681, the honorary freedom of the Cutlers Company of Hallamshire was conferred upon him.³ Thus at that time at

⁹ Letter of Edward Gower to Sir Richard Leveson in the 5th Report of the Historical Manuscripts Commission (Appendix, p. 200).

¹ He may also have been the Hewlett who petitioned Ormonde in 1663, stating that he had been kept in irons in Dublin Castle for a quarter of a year, "the cause whereof is utterly unknown to him" (Hist. Commns. 8th Report, Appendix, Part I., pp. 502 and 512).

² Baynes correspondence, Add. MSS. 21417-21427.

³ See the Rev. Alfred Gatty's edition of Hunter's "Hallamshire" (1869), pp. 424-425. Mr. Gatty's account is fully referenced. He also was of opinion that the headsman of the King was Henry, and not William, Walker, though he was not aware of the relationship between the two. See also the "Gentleman's Magazine" for November, 1767, pp. 548-9, and for January, 1768, p. 11, containing accounts of William Walker. See also the "Memoirs of Thomas Hollis," i., pp. 131-2 (1780).

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any rate he was not living with the secrecy of a man over whose head the sword of justice was suspended. He was devoted to mathematics, which in those days meant that he was addicted to astrology, and for a time gave instructions in mathematics at a local academy. William Walker died in 1700, and was buried in the parish church of Sheffield, with an inscription over his tomb which should have put to flight for ever the tradition that he was the headsman of the King.⁴ Yet it did not, and at some period in the eighteenth century a copy of "*Vindiciæ contra Tyrannos*," printed after the Revolution of 1689, had written in it a note attributing it to "William Walker of Darnal," "the person who cut off King Charles's head." This MS. note has been the source of many errors.⁵ It is also said in the "*Gentleman's Magazine*" that a warrant was sent down to Darnal for William Walker's apprehension, and that nevertheless he escaped through the connivance of a Mr. Spencer of Attercliffe. The evidence at the trial renders it probable that the foundation in fact for this lies in William's examination by that justice of the peace in order to find out his brother's whereabouts.

To sum up. The evidence against the hangman, Richard Brandon, is wholly insufficient to justify the assertion that he beheaded the King.⁶ And, on the other hand, the evidence against Henry Walker, backed by tradition, though not yet conclusive, is stronger than that against any one else. It could hardly come up for rediscussion in modern times until the present writer first identified Walker and the other journalists of his day.⁷

⁴ "*Hic jacet Gulielmus Walker, qui variis durante nupero interregno muniis arduis, sub Mercurii non Martis vexillo laudabiliter functus, redeunte rege Carolo Secundo, in prædium patrum templo huic vicinum, se lubens subduxit; ubi cum mathematicæ aliarumque scientiarum studio, per multos annos otia posuisset, tandem fati cessit decimo quarto die Novembris Anno Dom. 1700*" ("*Hallamshire*," p. 252).

⁵ This undated and unsigned note will be found in a British Museum copy of the edition of 1689 and is as follows:—"This translation of the '*Vindiciæ contra Tyrannos*' was the work of Mr. William Walker of Darnal, near Sheffield, Yorkshire, the person who cut off King Charles's head. It was first printed in 1649 (sic) and reprinted at the Revolution."

⁶ I refer to Sir Sidney L. Lee's life of Richard Brandon, "the executioner of Charles I.," in the Dictionary of National Biography, and to Mr. Philip Sidney's "*The Headsman of Whitehall*" (1905). S. R. Gardiner, in his "*History of the Great Civil War*," says, "There has always been a doubt as to the name of the executioner, but the evidence at Hulet's trial points to Brandon, the ordinary hangman." This is hardly accurate; Gardiner states one side of the case only.

⁷ In "*A History of English Journalism to the foundation of the Gazette*," by J. B. Williams (pseudonym), 1909. Further details about Walker's career have since been accumulated.

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The House of Commons did not cease its inquiries until 1661, in which year "Dayborne and Bickerstaffe," accused of having been actors in the said horrid murder of Charles I., were arrested on 17th January and discharged on the 28th.

Traditions or legends, after the Restoration, all of which are unsupported by evidence, are of interest only in so far as they prove that never at any time was it believed that the man who beheaded the King was the common hangman of London, Richard Brandon.

Foreign conjectures about the identity of the two headsmen are valueless. So much horror was occasioned in France by the proceedings against the King that the Paris "Gazettes" actually refrained from all mention of either "trial" or "execution." The Sieur de Marcy, French tutor to Charles, Prince of Wales, and his brother, the Duke of York, expressed the opinion that the two masked men were Fairfax and Cromwell, because they had not been seen on the day of execution. This, as we know, was absurd, as regards Fairfax.

Coming to the later traditions, in England, we find that Major Sydenham is the subject of a tradition of his own county of Dorset; and John Bigge of Dinton, clerk to Simon Mayne, the Buckinghamshire regicide, of a Bucks tradition. A Huntingdonshire tradition fixes the crime on a drover whose name has been forgotten, but who had been in the employ of Cromwell. One Wrathwood, living in White Horse Lane, King Street, Westminster, was accused by Baker, the author of the "Chronicle" of the Kings of England,⁸ and is probably the man who is the subject of the tradition told in connexion with Archbishop Tenison, on the authority of Dr. Richard Smallbrook, Bishop of St. David's, a former chaplain to Tenison. This was to the effect that when Tenison was rector of St. Martin's, he was sent for to pray by a dying man in a poor house in Gardner's Lane, Westminster. "He made haste, but found the man just expired. The People of the house told him that the man (whose name they never knew) had been very anxious to see him and to confess to him that he was the executioner of King Charles. That he was a trooper of Oliver's and every man in the troop having refused to do that office, Oliver made them draw lots, and the lot falling upon him, he did the work in a mask, and that he immediately mixed in

⁸ Harleian MS., 7045, f. 361.

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the crowd, hiding the mask. That he had never been easy in mind since. He had lived some time in their house, was poor and melancholy and much distressed for want of consolation from Dr. Tenison. Dr Tenison was in great esteem for his good offices about dying persons."

Hugh Peters, of course, was suspected, but not accused, and so was Lord Stair,⁹ who was not even in London at the time. Other names that have been suggested at one time or another are those of Captain Foxley and Giles Dekker.

The Fate of the Regicides.

Of the 59 signatories to the death warrant, 15 died before the Restoration. John Bradshawe died on 31st October, 1659; Oliver Cromwell died on 3rd September, 1658; Henry Ireton, his son-in-law, died of the plague in Ireland in 1651; and Thomas Pride died in 1658. At the suggestion of Colonel Titus, the House of Commons ordered the bodies of these four to be exhumed and hung on the gallows at Tyburn upon 30th January, 1661. The body of Pride was presumably not in a fit condition to be removed, for those of the first three only were exhibited on the gallows on that day. At sunset the heads of the three were struck off and afterwards displayed on poles on the top of Westminster Hall,¹ their bodies being cast into a deep hole under the gallows.

Sir John Danvers, a Wiltshire knight, who had been gentleman of the Privy Chamber to Charles I., was practically a bankrupt when he began his political career in 1640, and is described by Clarendon as having been very much despised by his associates. He probably repented of his action before his death in 1655.

Thomas, Lord Grey of Groby, was the eldest son of the Parlia-

⁹ Cecil Hone's "Sixty curious and authentic narratives," pp. 138-140, from "The Recreations of a man of feeling."

¹ Periodically, a dried-up head, asserted to be embalmed and to be that of Cromwell, is described in the newspapers. It has no claim to be genuine; for the remains of Cromwell's head were thrown down from Westminster Hall when the pinnacle to which it was fixed was rebuilt in 1681. See "Heraclitus Ridens" for 12th July, 1681. After twenty years' exposure to the weather and the onslaughts of kites and crows, little could have been left of the head by 1681. The process of embalming, in any case, would have been no protection against these onslaughts. Moreover, the whole clavicle of the dried-up head has been sawn asunder in the roughest possible manner, and this certainly would not have been done had it been embalmed.

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mentary General, Henry Grey, second baron of Groby, created first Earl of Stamford in 1628 (who died in 1673). He was member for Leicester in the Long Parliament, and was granted Holdenby after the King's death. He was a fifth-monarchy man, and was imprisoned as such by Cromwell in 1655. He died in 1657.

Sir Thomas Mauleverer, the spelling of whose name was a constant stumbling-block to the writers of the times, was created a baronet by Charles I. in 1641. He was a brutal and vindictive soldier on the Parliamentary side. His conduct as a horse-stealer was brought before the Houses of Parliament in June, 1643. He died in 1655.

John Blakiston was a Newcastle shopkeeper, who made a great deal of money out of the war. He died in May, 1649.

Richard Deane, a colonel, afterwards had a distinguished career as a sailor, and was killed at sea in a fight with the Dutch in June, 1653.

Isaac Ewer, a serving man, died in 1650.

William Purefoy, of Caldecote, Warwickshire, a strong Puritan and a great enemy of monarchy throughout his life, died in 1659.

Sir William Constable, member for Knaresborough in the Long Parliament (declared elected though he only received 13 votes as against 33 cast for his opponent), was practically a bankrupt. He died in June, 1655.

Anthony Stapley, of Patcham, member for Sussex in the Long Parliament, died in 1655.

John Venn, a citizen of London, born in Somerset, was Parliamentary Governor of Windsor Castle until 1645, where he plundered and destroyed the furniture and decorations of St. George's and expelled the canons. He died in June, 1650. Royalist reports state that he committed suicide.

Thomas Horton had been a servant and falconer to Sir Arthur Hesilrige (Hazlerigge, in modern spelling), but became a colonel in 1643. He died in Ireland in 1649.

Two others died in the year of the Restoration, 1660. Sir John Bourchier, member for Ripon in the Long Parliament from 1645, who surrendered to the House of Commons in June, 1660, but died before he could be tried, and Sir Michael Livesey, of Kent, created a baronet in 1627, who was a coward who ran away at Cheriton Down in 1644 and was generally disliked, even by his own side, for his insubordination and incapacity. He absconded at

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the Restoration, and was cut to pieces in 1660 by a party of Dutch boors to whom he had been denounced as one of the King's murderers by a gentleman whom he had "highly abused" in Kent. The report of his being alive in later years was unfounded.

Edward Whalley, a London woollen draper, a colonel and first cousin to Cromwell, and William Goffe, another citizen and a colonel, both escaped to America, and the dates of their deaths are unknown.

John Hewson escaped and died of starvation at Rouen in 1664.

Daniel Blagrove, a barrister, escaped and died at Aix la Chapelle in 1668.

Edmund Ludlow escaped and died at Vevay in 1692.

William Cawley, a Kentish brewer, escaped and died at Vevay in 1666.

John Dixwell, M.P. for Dover in the Long Parliament, escaped and died at New Haven in New England in 1689.

Valentine Wauton (or Walton), Governor of Lynn Regis, escaped and died in Holland in 1661.

William Say, a lawyer and Kentish Committee man, escaped and died abroad about 1665.

Thomas Chaloner, M.P., escaped and died in Holland in 1661.

Thomas Wogan escaped from prison in York Tower, dying in Holland after 1666.

The careers and fate of five others are unknown, nor have any biographies of them been written. These were Peregrine Pelham, Henry Edwards, Colonel John Alured, Gregory Norton, and John Moore. Three were pardoned by the King, viz., Richard Ingoldsby, John Downes, and (in 1664) George Fleetwood.

Those tried and sentenced to death, but not executed, were Sir Hardress Waller, a colonel of horse, who pleaded guilty, and the date of whose death in prison is unknown.

John Hutchinson, another colonel, who also pleaded guilty, and died in prison in 1664.

Peter Temple, who died in prison in 1663.

Henry Smith, one of the "six clerks" in Chancery, who died in prison.

Robert Tichborne, a linen draper in the city, who died in the Tower in 1682.

Owen Roe, a haberdasher and a colonel, who died in prison in 1661.

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James Temple, M.P., also died in prison.

Augustine Garland, who pleaded guilty and died in prison.

Vincent Potter also died in prison.

Henry Marten, M.P., died in prison at Chepstow.

Symon Mayne, M.P. of Bucks, who pleaded guilty and died in the Tower in 1661.

Gilbert Millington, a Committee man, pleaded guilty and died in prison in Jersey in 1666.

Robert Lilburne, a colonel, pleaded guilty and died on St. Nicholas Island, Plymouth, in 1665. And

Thomas Wayte, died in prison in Jersey about 1668.

Regicides Executed.

Thomas Harrison was the first executed, on Saturday, 13th October, 1660, and as he had lived, so he died, a mad fanatic. One eyewitness, Andrew Newport, wrote: "He was going, he said, to sit at the right hand of Jesus to judge us all. Another eyewitness, William Smith, said that he vouchsafed no expression of repentance, "but blasphemously said that he should rise again within three days and at the right hand of God be judge of his judges." A printed account corroborated this, adding that: "We are told that when he took his leave of his wife he comforted her and told her that he would come again in three days." Pepys, who was present, commented that his wife was "said to expect his coming again."²

On Monday, 15th October, John Carew (Carey), another fifth-monarchy man, followed and imitated Harrison in his behaviour, "quoted several places out of the Apocalypse; neither gave nor asked forgiveness of any friend or enemy."

On Tuesday, 16th October, John Cook and Hugh Peters were executed. Cook "express'd exceeding much penitence," wrote Henry Muddiman; "and (which best became him) heartily prayed for his Majesty that now is. And, taking notice of Hugh Peters that was executed next after him, wish'd he might be reprieved because at present, as he conceiv'd, he was not prepared to die. And in earnest, Mr. Cook in that was not mistaken, for when Hugh Peters came to die he was as far to seek as to answer at his

² Historical Manuscripts Commission, 5th Report (Appendix, pp. 157 and 174). "The True and Perfect Relation of the Grand Traytors Execution" (Thomason Tract, 669, f. 26 (31)). And Pepys Diary, 13th October, 1660.

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tryal. And, without any reflexion on the wickedness of the man there never was person suffer'd death so unpitied; and, which is more, whose execution was the delight of the people, which they exprest by several shouts and acclamations when they saw him go up the ladder, and also when the halter was putting about his neck, but also when his head was cut off there was such a shout as if the people of England had acquired a victory.

"And here we cannot forget, how some years since he preached so vehemently and, indeed, so fondly for the necessary pulling down of Old Charing Cross, crying out, 'it was as old as Popery itself,' and, 'it had caused more superstition and done more mischief than any pulpit in England had done good.' Though, among sober men, the superstition was begotten only by pulling it down. And that now this trumpet of sedition should be hang'd upon a gibbet in the same place where the old Cross stood, with his face towards the place where that scaffold was erected, and where Peters gave orders for knocking down staples to tie our Martyr'd Sovereign fast to the block."³

It is a singular fact that any malefactor of the times (no matter what his crime was) who showed any lack of courage at his execution was considered to have behaved badly and excited the scorn and derision of the bystanders. Peters was no exception to this rule, contemporary writers alluding to his "drunken and base death." Burnet wrote: "It was indeed remarkable that Peters, a sort of enthusiastic buffoon preacher, though a very vicious man, that had been of great use to Cromwell and had been outrageous in pressing the King's death with the cruelty and rudeness of an inquisitor, was the man of them all that was the most sunk in his spirit and could not in any sort bear his punishment. He had neither the honesty to repent of it, nor the strength of mind to suffer as all the rest of them did. He was observed all the while to be drinking some cordials to keep him from fainting."

On Wednesday, 17th October, Thomas Scot, Gregory Clement, Adrian Scroop, and John Jones were executed. "Thomas Scot dy'd as he lived (there's few in England but know how that was)"; "Gregory Clement at his death, expressed a great deal of sorrow

³ "Mercurius Publicus" for 11th-18th October, 1660 (both this and the "Parliamentary Intelligencer" were now written by Henry Muddiman). See also the authorities cited previously and Thos. Skinner's "Motus Compositi" (a continuation of Bate's "Elenchus"), and Peter Barwick's life of his brother, John, the Dean of St. Paul's, for further details about Peters.

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and penitence"; and "Adrian Scroop of a noble ancient family," died "somewhat pitied, as well as in regard he was a comely person, as because he beg'd the prayers of all good people." John Jones expressed "very much sense of the horror of his Fact; nor did he offer to justifie it at his tryal. He formerly in Ireland declared against that monster Oliver Cromwell; whereby he saw his own destruction designed, so as for atonement he chose to marry Oliver's own sister; which, were she like her brother, as 'tis said she is not, none were fit for but he that had his hand in the murther of a king."

All the above were executed at Charing Cross, but owing to a petition from the inhabitants near the spot, the remaining two, Hacker and Axtell, were executed at Tyburn on Friday, 19th October. Hacker only was quartered.

Three more, John Barkstead, John Okey, and Miles Corbet, who had been extradited from Holland, were executed at Tyburn on Saturday, 19th April, 1662. Very lengthy accounts of their speeches were printed in "Mercurius Publicus" and the "Kingdoms Intelligencer." All three extenuated their crime, without giving offence, and prayed for the King.

King Charles the Martyr.

In December, 1660, Parliament passed a Bill ordering the anniversaries of King Charles's death to be observed as days of fasting and humiliation, and in 1662 Morley, Bishop of Winchester, aided by a committee, drew up forms of services for the day, which were approved by Convocation, enjoined by Royal Proclamation of 2nd May, 1662, and thenceforward printed in the Book of Common Prayer. The final services for this day were the work of Archbishop Sancroft, and were approved by James II. on 23rd December, 1685.⁴ They remained in the Book of Common Prayer until the year 1859, when they were abolished by Royal Warrant, togethèr with the services for the anniversary of the Gunpowder Plot, &c. They had long been out of date even in the eighteenth century, and Dr. Johnson, with his customary wisdom, once said to Boswell of the Act of 1660: "Why, Sir, I could have wished that it had been a temporary Act, perhaps to have expired with the century. I am against abolishing it, because that would be declaring it wrong to establish it; but I

⁴ Newsletter by Henry Muddiman, dated 24th December, 1685.

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should have no objection to make an Act continuing it for another century, and then letting it expire."

Clement Walker, in his "History of Independency," undoubtedly represented sober Presbyterian opinion when he wrote that the King was to be looked upon as a civil martyr, dying for the liberties of his people, and Nonconformists in general disapproved of this annual day of humiliation, their views being voiced by Philip Henry, who said that there had been no national sin in putting the King to death, for the nation in general had neither part nor lot in the crime.

Nevertheless a sort of *cultus* of the Martyr King came into existence. Writing in 1658, Sir William Sanderson said: "To this day there are divers Devoters (sic) that affirm the effects of cure by application of those things distained by his blood. We need not go far to find out the truth hereof, if we take the narrative of the woman patient at Dedford (sic) near the city of London, being thereby cured of her blindness, and many others of like infirmities."

But the only story of this nature that was told at the time, of which names and details have come down to us, is that of the cure of a girl called Baylie, aged fourteen, who was blind from the king's evil, and this is the case mentioned by Sanderson. Reduced to their origin, therefore, the miraculous cures resolve themselves into cures of the king's evil after the King's death, just as cures of the king's evil by his touch had been reported before his death. The title page of the tract published about this alleged cure sufficiently indicates its contents: "A Miracle of Miracles, wrought by the blood of King Charles the First of happy memory. Upon a mayd at Detford foure miles from London, who by the violence of the disease called the King's Evill was blinde one whole yeare, but by making use of a piece of handkircher dipped in the King's blood is recovered of her sight. To the comfort of the King's friends, and astonishment of his enemies. The truth hereof many thousands can testifie. London. Printed Anno. Dom. 1649."

The old collector, George Thomason, has dated his copy of this, "July 5th," and appended the note, "This is very true."

Five churches were dedicated to "King Charles the Martyr," viz., the parish church at Falmouth, another at Plymouth, and others in the Peak Forest, Derbyshire, at Newtown, Salop, and at Tunbridge Wells.

King Charles I.

King Charles's statue on horseback, now at Charing Cross, was cast by Hubert Le Soeur in 1633, on a spot of ground near the church in Covent Garden. The statue was made to the order of the then Lord Treasurer, Richard Weston, First Earl of Portland, and was to have been set up in his grounds at Roehampton. The contract for this statue is still in existence, and proves that Le Soeur received for his work the sum of £600. The statue had not, it seems, been set up at the time of the King's murder, and was sold by the Army Parliament to John Rivett, or Ryvett, a brasier living in the parish of St. Sepulchre, Holborn, on condition that he broke it up and used the material in his business. Rivett, however, buried the statue under ground, and produced broken pieces of metal as evidence of its destruction, later on doing a good trade in objects he asserted had been made from the metal of the King's statue.

After the Restoration a question arose about the ownership of this statue. The second Earl of Portland informed the House of Lords in 1660 that he had discovered where this statue was, and that he "conceived that in justice it belonged to himself," and that, as there were no Courts of Justice open at the time where he could sue for it, he desired the Lords to order that it should not be removed, defaced, or otherwise disposed of until the title to it might be determined in law. Accordingly, the Lords made an order to this effect on the 16th May, 1660. Upon the 19th July following, John Rivett having refused to deliver the statue to Lord Portland, the House ordered that he should suffer the Sheriff of London to serve him with a replevin "upon the said statue and Horse of Brass, that are now in his custody and possession." The result of the subsequent legal proceedings has not been recorded, but in all probability Lord Portland lost his case. Rivett, however, committed suicide in 1675, for on 25th August of that year the King granted his estate, forfeited by his having become *felo de se*, to Lord Bath. Four days later on, however, "having been moved on behalf of his widow and the estate being small," Charles II. revoked his grant to Lord Bath and gave the estate to Eleanor Rivett, by a grant dated 31st August.

Strype says that the statue was set up at Charing Cross in 1674, and that it was presented to the King by Rivett. It marks the site of old Charing Cross and the place where the regicides were executed.

APPENDICES.

APPENDIX A.

TEXT OF "BRADSHAW'S JOURNAL."

[PROCEEDINGS IN THE PAINTED CHAMBER UP TO AND INCLUSIVE OF FRIDAY,
Feb. 2, 1649.]

A Journall of the Proceedings of the High Court of Justice erected by Act of the Comons of England Intituled, An Act of the Comons of England assembled in Parliament for erecting of a high Court of Justice for the Trying and Judging of Charles Steward King of England. The tenor whereof followeth (viz.):

THE ACT.

An Act of the Comons of England assembled in Parliament for erecting of a High Court of Justice for the Trying and Judging of Charles Steward King of England. [6th January, 1648-9.]

Whereas it is notorious that Charles Steward the now King of England, not content with those many encroachments which his predecessors had made upon the People in their rights and freedoms, hath had a wicked designe totally to subvert the antient and fundamentall lawes and liberties of this nation. And in their place to introduce an arbitrary and tiranicall government, and that besides other evill wayes and meanes to bring his designe to passe hath prosecuted it with fire and sword, levied and main-tayned a cruell warre in the land against the Parliament and kingdome. Whereby the country hath bin miserably wasted, the publique treasure exhausted, trade decayed, thousands of people murdered and infinite other mischiefs committed. For all which high and treasonable offences the said Charles Steward might long since justly have bin brought to exemplary and condyne punishment. Whereas also the Parliament, hoping that the restraint and imprisonment of his person (after it had pleased God to deliver him into their hands) would have quitted the distemper of the kingdom, did forbear to proceed judicially against him. But found by sadd experience that such their kindnesse served only to encourage him and his complices in the continuance of their evill practices and in raising of new commotions, rebellions and invasions; for prevention therefore of the like or greater inconveniences, and to the end noe chief officer or magistrate whatsoever may presume traiterously or maliciously to imagine or contrive the enslaving of the English Nation and to expect impunity for so doing. Be it Ordayned and Acted by the Comons in Parliamt, And it is hereby ordayned and enacted by authority thereof. That Thomas, Lo. Fairefax, Oliver Cromwell, Henry Ireton Esq., Sir Hardres Waler [Waller], Knt., Philip Skippon, Valentine Walton [Wauton], Thomas Harrison, Edward Whaley, Thomas Pride, Isack Ewer, Richard Ingolsby, Henry Mildmay Esq., Sir Thomas Honniwood, Thomas Lo. Grey of Grooby, Phillip Lo. Lisle, William Lo. Munson, Sir John Davers [Danvers], Sir Thomas Mallevry [Mauleverer], Baronett, Sir John Bouchier, Sir James Harrington, Sir Will. Monson, Sir Henry Mildmay, Sir Thomas Wroth Knt., Sir Will.

King Charles I.

Maasham, Sir John Barrington, Sir Will. Brereton, Baronett, Robert Wallop, Will Heveningham Esq., Isack Pennington, Thomas Atkins, Rowland Wilson, Aldermen of the City of London, Sir Peeter Wentworth Knight of the Bath, Henry Martin, Will. Purefoy, Godfrey Bosvill, John Trenchard, Herbert Morley, John Berkested, Mathew Tomlinson, John Blackston, Gilbt. Millington Esq., Sir William Constable Baronett, Edward Ludlow, John Lambert, John Hutchinson Esq., Sir Arthur Hasleridg, Sir Michael Lievsley, Baronett, Richard Salloway, Houmfrey Salloway, Robert Tichburne, Owen Roe, Robert Manwaring, Robert Lilburne, Adrian Scroope, Richard Deane, John Okey, Robert Overton, John Hewson, John Disbrough, Will. Goff, Robt. Duckenfield, Cornelius Holland Esq., John Carey [Carew] Esq., Sir Will. Armin, Baronett, John Jones Esq., Miles Corbett, Francis Allen, Thomas Lister, Benjamin Weston, Peregrine Pelham, John Gourdon Esq., Francis Thorpe, Seriant at Lawe, John Nutt, Thomas Chaloner, Algernon Sidney, John Anlaby, John Moore, Richard Darley, Will Say, John Aldred, John Fagg, James Nelthorp Esq., Sir Will. Roberts Knt., Francis Lassels, Alexander Rigby, Henry Smith, Edmund Wild, James Chaloner, Josias Barners [Berners], Dennis Bond, Houmfrie Edwardes, Gregory Clement, John Frie [Fry], Tho. Wogan Esq., Sir Gregory Norton Baronett, Dennis Bond [sic, named before], John Bradshaw, Seriant at lawe, Edmund Harvie, John Dove, Jo. Venn Esq., John Fowkes Alderman of the City of London, Tho. Scott Esq., Tho. Andrewes, Alderman of the City of London, William Cawley, Abraham Burrell, Anthony Stapley, Roger Gratwick, John Downes, Thomas Horton, Thomas Hamond, George Fenwick Esq., Robt. Nicholas Seriant at lawe, Robert Reynolds, John Lisle, Nicholas Love, Vincent Potter Esq., Sir Gilbert Pickering Baronett, John Weaver, Roger Hill, John Lenthall Esq., Sir Edward Bainton, John Corbett, Thomas Blunt, Thomas Boone, Augustine Garland, Augustine Skinner, John Dixwell, George Fleetwood, Simon Meyne, James Temple, Peeter Temple, Daniell Blaggrave Esq., Sir Peeter Temple Knt. and Baronett, Thomas Waite, John Browne, John Lowrey Esq., shall be and are hereby appoynted and required to bee commissioners and judges for the hearing trying and judging of the said Charles Steward. And the said commissioners or any twenty or more of them shall be and are hereby authorized and constituted a high court of justice to meet and sit at such convenient time and place as by the said commissioners or the major part of twenty or more of them under their handes and seales shall be appoynted and notified by publike proclamation in the great Hall or Palace Yarde at Westminster. And to adiourne from tyme to tyme and from place to place as the said high court or maior pte. thereof meeting shall hold fit. And to take order for the charging of him, the said Charles Steward, with the crimes and treasons above mentioned. And for the receiving of his psonall answer thereunto. And for the examination of witnesses upon oath, which the Court hath hereby authority to administer, and taking any other evidence concerning the same. And hereupon or in default of such answer to proceed to finall sentence according to justice and the meritt of the cause. And such finall sentence to execute or cause to be operated speedily and impartially. And the said Court is hereby authorized and required to appoynt and direct all such officers, attendants, and other circumstances as they or the maior pte of them shall in any sorte judge necessary or usefull for the orderly and good managing of the premises. And Thomas Lo. Fairefax, the Generall, and all officers and souldiers under his command, and all officers of justice and

Text of "Bradshawe's Journal."

other well affected persons are hereby authorized and required to be ayding and assisting unto the said court in the due execution of the trust hereby committed. Provided that this Act and the authority hereby granted doe continue in force for the space of a moneth from the making hereof and noe longer.

Hen. Scobell, Cler.
Parl. Dom. Com.

In pursuance of which said Act the House of Comons ordered as followeth (viz.) :

Die. Sabti, 6 Januarii 1648.

Ordered by the Commons assembled in Parliament that the Commissioners nominated in the Act for erecting of a High Court of Justice for the trying and judging of Charles Stewart King of England doe meet on Monday next at ten of the clock in the afternoone in the Painted Chamber.

By virtue of the said recited Act and of the said order grounded thereupon, the commissioners whose names are hereunder written met on Munday the said sixth [sic, the eighth] day of January 1648 in the said painted chamber.

Commissioners present.

Thomas Lo. Fairefax	
Oliver Cromwell	} Esqrs.
Henry Ireton	
Sir Hardres Waler Knt.	
Thomas Lo. Grey of Grooby	
Sir John Davers [Danvers]	
Sir Thomas Malevery Bar.	
Sir John Bourcher	} Knts.
Sir Henry Mildmay	
James Chaloner	
Gregory Clement	} Esqrs.
John Frye	
Sir Gregory Norton Bar.	
Augustine Garland	
Peeter Temple	} Esqrs.
Daniell Blagrave	
John Venne	
Robt. Tichburn	
Tho. Chaloner	
Will Heveningham	
Henry Martin	
William Purefoy	
John Berkested	
John Blackston	
Gilbert Millington	
Will Lo. Mounson	
Richard Deane	} Esqrs.
John Okey	

Valentine Wauton	} Esqrs. ¹
Edward Whaley	
Thomas Pride	
Isack Ewers	
Cornelius Holland	
John Carew	
John Jones	
Perigrine Pelham	
John Moore	
John Aldred	
Francis Lassels	
Henry Smith	
John Downes	
John Lisle	
John Browne	
James Temple	
John Hutchinson	
Adrian Scroope	
Miles Corbett	
Edmund Ludlow	
Houmfrey Edwards	
John Hughson	
Edmund Harvey	
Thomas Harrison	
Will Goffe	
Nicholas Love	

The Commissioners of the said Court being as aforesaid mett, and informing themselves of the tenor of their commissions, they accordingly appoynted the said Court to be houlden in the same place on Weddensday

¹Few of these men were entitled to be termed "Esquire," Blackstone, Tichburne, and others were shopkeepers, Okey, Pride, Jones, &c., had been servants, Hewson was a cobbler, &c.

King Charles I.

the tenth of the said Moneth of January. And ordered Proclamation to be made hereof in the greate Hall at Westminster by Edward Dendy Seriant at Armes. Authorizing him hereunto by precept under their hands and seales in these words following (viz.).

By vertue of an Act of the Comons of England assembled in Parliamt. for erecting of an high court of Justice, for the trying and judgeing of Charles Stewart King of England, we, whose names are hereunder written being Commissioners (amongst others) nominated in the said Act do hereby appoynt that the High Court of Justice mentioned in the said Act shall be houlden in the Painted Chamber in the Pallace of Westminster, on Weddensday the tenth day of this instant January by one of the clock in the afternoone. And this we appoynt to be notified by publike proclayming hereof in the greate Hall at Westminster to-morrow being the ninth day of this instant January betwixt the houres of Nine and Eleven in the forenoone. In testimony whereof wee have hereunto sett our hands and seales the eight day of January Ano. Dni. 1648.

Wee the Commissioners whose names are hereunto subscribed doe hereby authorize and appoynt Edward Dendy seriant at Armes to cause this to be proclaymed according to the tenor thereof. And to make due returne of the same, with this precept to the said Court at the tyme and place above mentioned.

Sealed and subscribed by

Will. Monson	Peeter Temple
Thomas Gray	Edward Whaley
Oliver Cromwell	John Okey
Gregory Norton	Robt. Tichburne
Henry Ireton	Thomas Pride
Thom. Edwards	Henry Smith
John Hutchinson	Thomas Maulevery
Har. Waller	Thomas Chaloner
Will. Constable	John Frye
John Lisle	John Bourcher
Henry Martin	Adrian Scroope
Valentine Wauton	John Carew
John Blackiston	James Temple
Gilbert Millington	Augustine Garland
John Hewson	James Chaloner
Perigrine Pelham	Richard Deane
Edmund Ludlow	Thomas Harrison
John Barkstead	Daniell Blagrove
	John Jones

Which said precept is thus returned on the backside (viz.) I have caused due proclamation to be made hereof according to the tenor of the precept herein written.

ED. DENDY Seriant
at Armes.

And in order to the more regular and due proceedings of the said Court they nominate officers, and accordingly chuse Mr. Ash, Dr. Dorislaus, Mr. Steele and Mr. Cooke, Counsell to attend the said court. Mr. Greaves and Mr. John Phelps, Clerks; to whom notice hereof was ordered to be

Text of "Bradshawe's Journal."

given. Mr. Edward Walford, Mr. John Powell, Mr. John Kinge, Mr. Phineas Payne and Mr. Hull are chosen messengers to attend this Court.

January the ninth, 1648, according to the precept of the eight instant Seriant Dendy made Proclamation for the sitting of the said court in manner following (viz.)

About ten of the clocke of the same day the said seriant, being attended with six trumpitts, and a guard of two troopes of horse, himself with them on horseback, bearing his Mace, rideth into the middle of Westminster Hall (the Court of Chancery then sitting at a general seale). Whereafter the said trumpitts then sounding (the drums then likewise beating in the Pallace yard) he caused the said precept to be openly read. Which being done, the House of Comons (at the same tyme sitting) order as followeth.

Die Martis 9^o Januarii, 1648.

Ordered by the Comons assembled in Parliamt. that the same Proclamation that was made this morning in Westminster Hall touching the tryall of the Kinge, be made at the ould Exchange and in Cheapside forthwith and in the same manner. And that Seriant Dendy doe proclame the same accordingly. And that the Guarde that lieth in Paules doe see the same done. In pursuance whereof Seriant Dendy, about twelve of the clocke of the same day, accompanied with tenn trumpettts and two troops of horse, drawn out for that purpose in Paules Church Yarde, himself mounted, bearing his Mace, they all marched from thence to the ould Exchange. London, where after the trumpettts had sounded, he maketh proclamation as he had done before in Westminster Hall. And from thence they immediately march to Cheapside making the like proclamation there, also in manner as aforesaid. During all which tyme the streets are thronged with spectators without the least violence, injury or affront publicly done or offered.

Mercurii 10 Jan 1648

Commissioners present.

Oliver Cromwell	}	Esqrs.
Henry Ireton		
Sir Hardes Waller Knt.		
Valentine Wauton		
Edward Whaley	}	Esqrs.
Thomas Harrison		
Thomas Pride		
Sir John Davers		
Sir Thomas Maulevery Bar.		
Sir Henry Mildmay Knt.		
James Chaloner	}	Esqrs.
John Frie		
Sir Gregory Norton Barnt.		
Augustine Garland		
Pester Temple	}	Esqrs.
Daniell Blaggrave		
John Ven		
Henry Martin		
William Purefoy		
John Blackston		
Gilbert Millington		
Edmund Ludlow		
John Hutchinson		

Robt. Tichborne	}	Esqrs.
Owen Roe		
John Dene (sic)		
Richard Deane)		
John Hughson		
Cornelius Holland		
John Carey		
Thomas Lister		
Perigrine Pelham		
Thomas Chaloner		
John Moore		
Will Say		
Francis Lassels		
Henry Smith		
Thomas Scott		
Nicholas Love		
Vincent Potter		
Adrian Scroope		
John Dixwell		
John Lisle		
John Okey		
John Barkstead		
John Corbett		

King Charles I.

The Court (being sett) began to take into consideration the manner and order they intended to observe at the Kings tryall and appoynted the ushers of the Court (viz.) Mr. Edward Walford and Mr. Powell. And Mr. Litchman was chosen a messenger of this Court.

John Bradshaw Seriant at Lawe, a Commissioner of this Court, was then chosen President of the said Court. Who being absent, Mr. Say, one of the Commissioners then present was appoynted President p. tempore and untill the said Seriant Bradshaw should attend the said service. The said Mr. Say accordingly took his place and gave the thanks of this Court to Mr. Garland, one of the Commissioners of this court for his great paynes by him formerly taken about the businesse of this Court.

The Court were informed of the great and important employment that at the present lay upon Mr. Graves in the behalf of the Common Wealth, from which he cannot be spared without prejudice to the publique. And it was therefore moved on his behalfe, that he might be excused from attending the service of one of the clerks of the said Court. Which the Court admitted as a sufficient excuse, and hereupon Mr. Andrew Broughton was named and appoynted one of the Clerks of this Court with John Phelps, the said John Phelps being then sent for by a messenger of the Court and accordingly making his appearance, was commanded to attend the said service. Who attended the same accordingly. And a messenger of the said Court was sent to summon the said Mr. Broughton.

Mr. Aske, Mr. Steele, Dr. Dorislaus and Mr. Cooke are appointed Counsell in the behalfe of the Common Wealth, to prepare and present the charge against the King. according to the Act of the Comons assembled in Parliamt. in that behalfe. And in pticuler the Court did Appoynt Mr. Steele Attorney and Mr. Cooke, solicitor to take care thereof. And the Act for constituting the said Court was ordered to be transcribed and delivered to the said Counsell. Which was done accordingly.

Mr. Love, Mr. Lisle, Mr. Millington, Mr. Garland, Mr. Martin, Mr. Thomas Chaloner, Sir John Davers and. Sir Henry Mildmay or any two of them are appoynted a Committee to consider of all circumstances in matters of order and method for the carrying on and managing the Kings trial, and for that purpose to advize with the Counsell assigned to prove the charge against the Kinge, and to make report herein the next sitting. And the care of the business is particularly referred to Mr. Love.

Edward Dendy Seriant at Armes made return of the precept of the eight instant for Proclayming the sitting of this Court. Which was received, the said Seriant Dendy having proclaymed the same by the sound of trumpett in Westminster Hall as also at the Exchange and in Cheapside as is before expressed.

Edward Dendy Seriant at Armes is appoynted Seriant at Armes to attend the said Court. Mr. John King is appoynted Crier of the said Court.

The Court having thus made preparations for the said triall (during all which tyme they sat private) the doors are now opened for all parties that had anything to doe here to give their attendance.

Three proclamations being made by the Crier the Act for constituting the said Court was openly read and the Court called. The Commissioners present were as before named.

Text of "Bradshaw's Journal."

The Commissioners that were absent were ordered to be summoned to attend the said service and summonses were issued forth accordingly.

The Court adiourned itself till Friday January the 12th at two of the clock in the afternoone to the same place.

Januarii 12, 1648.

At which tyme and place the Commissioners present were as are hereafter named (viz.)

Die Veneris : 12 Jan. 1648.

Commissioners present.

Oliver Cromwell Esq.	James Temple	John Bradshaw, Serient
Sir John Davers	Will. Say	at lawe
Thomas Hamond	John Hughson	John Blackston
Perigrino Pelham	Sir John Bourcher	John Dene (sic)
Herbert Morley		Richard Deane)
		Esqrs.
Gilbert Millington		John Berkstead
Henry Smith		Thomas Chaloner
John Moore		Thomas Pride
John Venn		John Lisle
John Browne		Owen Roe
John Downes		Thomas Scott
John Frie		John Jones
Nicholas Love		John Carew
Sir Hardres Waller Knt.		John Fagg
Thomas Harrison		Henry Martin
Adrian Scroope		Peeter Temple
		With divers more [?]
		Esqrs.

Seriant Bradshaw upon special summons attended this Court, being one of the Commissioners thereof, and being according to former order called to take his place as President of the said Court, made an earnest apologie for himselfe to be excused therefrom, but herein not p.vailing, in obedience to the commands and desires of this court, hee submitted to theire order and tooke place accordingly. And hereupon the said Court ordered concerning him as followeth (viz.) That John Bradshaw Seriant at Lawe, who is appoynted President of this Court, should be called by the name and have the title of Lord President and that as well without as within the said Court during ye commission and sitting of the said Court; against which title he pressed much to be heard, to offer his exceptions but was therein overruled by the Court.

Mr. Andrew Broughton attended according to former order and it was thereupon againe ordered that Andrew Broughton and John Phelps Gent, bee and they are constituted clerks of the said Court and enjoyned to give theire attendance from tyme to tyme accordingly.

Ordered that the Counsell assigned, or such as they or any of them shall appoynt shall have powre to search for all records and writings concerning the Kings triall. And to take into theire custody or order the producing of all such records and papers or copies thereof by any clerk or other p.son whatsoever at or before the said triall as they shall judge requisitt, the said Counsell giving a note under their hands of their receipt

King Charles I.

of all such originall books, papers and records which they shall take into their custody. And that the said Counsel shall have powre to send for such p.son or p.sons at or before the said triall and to appoynt by writing under their hands their attendance for the service of the State in the businesse as they shall think requisite, requiring all p.sons concerned to yeild obedience hereunto at their perills.

Sir Hardres Waller Knt and Colonell Harrison are ordered to desire the Lo. Generall from tyme to tyme to appoynt sufficient guards to attend and garde the said Court during their sitting.

Ordered that Col. Tichburne, Col. Roe, Mr. Blackston and Mr. Frie, members of this Court shall and doe make pparations for the triall of the Kinge, that it may be pformed in a solemne manner, and that they take care for the necessary pvisions and accomodations in and about that triall, and are to appointe and commande workmen in and to their assistance as they shall thinke fitt.

Mr. Love, reporteth from the Committee appoynted Jan. 10th instant to consider of the circumstances in matter of order for triall of the Kinge. And it is thereupon ordered that in managing the proceedings in open Court at the tyme of the Kings triall none of the Court doe speake but the Lord President and Counsell. And in case of any difficulty arising to any one, that hee speak not to the matter openly, but desire the Lord President that the Court may please to advise.

By wh. order it is not intended that any of the Commissioners bee debarred at the examinacon of witnesses to move the Lord President to ppounde such question to the witsnesse as shall be thought meet for the better disquisition and finding out the truth.

Ordered that there shall be a Marshall appoynted to attend this Court, if there be cause.

Ordered that the Lo. President and Counsell doe manage the triall of the Kinge according to instrucion to be given by the Court. And that the Committee for considering of all circumstances for the managing of the Kings triall doe consider of rules and instrucion in that behalfe. And are to consult with the Counsell and address themselves to the Lord President for advice in the pmisses.

Ordered that the Counsell doe bring in the charge against the Kinge on Monday next.

The Committee for considering of the circumstances of order for the Kings triall, together with Sir Hardres Waller, Coll. Whaley, Mr. Scott, Coll. Tichborne, Coll. Harrison, Lt-Generall Cromwell and Col. Deane are appoynted to consider of the place for trying the Kinge and make report to-morrow in the afternoone, and are to meet to-morrow morning in the inner court of Wards at nine of the clocke and which else of the Court please may be there.

The Court adiourned itself till the Morrow in the afternoon to two of the clocke.

Sabti. Jan. 13, 1648.

Proclamacon being made and all psons concerned required to give attendance.

The Court is called openly.

Text of "Bradshaw's Journal."

Commissioners present.

John Bradshaw Seriant at Lawe, Lo. President of this Court.

Oliver Cromwell } Esqrs.
 Henry Ireton }
 Sir Hardres Waler Knt.
 Valentine Wauton }
 Edward Whaley } Esqrs.
 Thomas Pride }
 Isack Ewers }
 Sir John Davers }
 Will Goffe }
 Cornelius Holland }
 John Carey }
 Thomas Chaloner }
 Algernon Sidney }
 Will Say } Esqrs.
 John Fagg }
 Francis Lassels }
 Henry Smith }
 Houmfrey Edwards }
 John Fry }

Sir Thomas Malevery Bart.
 Will. Heveningham }
 Will Purefoy } Esqrs.
 John Blackeston }
 Gilbert Millington }
 Sir Will. Constable Bart.
 John Hutchinson } Esqrs.
 Adrian Scroope }
 Sir Gregory Norton Bart.
 John Dove }
 John Venne }
 Thomas Scott }
 John Downes } Esqrs.
 John Lisle }
 Augustine Garland }
 John Dixwell }
 Daniell Blagrove }
 John Browne }

The Court being to make further pparacons for the Kings triall sit private. The Seriant at Armes is authorised to imploy such other messengers as shall bee needfull for the service of the Court, giving in their names to the Clerks of this Court.

Ordered that the Seriant at Armes doe such and secure the vaults under the Painted Chamber, takeing such assistance herein from the souldiery as shall bee needfull.

Mr. Garland reportes from the Committee for considering of the place for the Kings tryall and the Court have hereupon ordred that the triall of the Kinge shall bee in Westminster Hall. That the place for the Kings triall shall be where the Courts of Kings Bench and Chancery sitt in Westminster Halle. And that the ptitions between the said two Courts shall bee therefore taken downe. And that the Committee for making pparacons for the Kings triall are to take care hereof accordingly.

The Court adiourned itself till Monday at two of the clocke in the afternoone to this place.

Lunae, Jan. 15° 1648.

Three proclamacons being made and all pties concerned are required to give attendance.

The Court is called openly.

Commissioners present.

John Bradshaw Seriant at Lawe, Lo. President of this Court.

John (sic Richard) }
 Deane }
 John Barkstead }
 Isack Ewer } Esqrs.
 Robert Lilborne }
 Thomas Hamond }
 Edward Whaley }
 Thomas Pride }
 Tho Lo. Grey of Grooby }
 Will. Lo. Monnson }
 Sir John Davers }

Sir Gregory Norton Bart.
 Vincent Potter
 Augustine Garland
 James Temple
 Daniell Blagrove
 John Blackston } Esqrs.
 Oliver Cromwell }
 Robert Tichburne }
 John Jones }
 John Downes }

King Charles I.

Sir Tho. Mallevery Bart.

Sir Tho. Wroth

Robt. Wallopp

Henry Martin

Will Purefoy

Gilbert Millington

John Hutchinson

Adrian Scroope

John Okey

John Hughson

Perigrine Pelham

Thomas Chaloner

John Moore

John Aldred

Henry Smith

James Chaloner

Houmfrie Edwards

Esqrs.

Sir Hardres Waller Knt.

Tho. Horton

Henry Ireton

Algernon Sidney

Peeter Temple

Nicholas Love

Valentine Wauton

John Lisle

John Venne

Cornelius Holland

Thomas Scott

Sir Will Constable Bart.

Herbert Morley

Miles Corbett

John Frye

Will. Goffe

John Fagg

Jo. Carey

Sir Henry Mildmay Knt.

Esqrs.

Esqrs.

Here the Court sit private.

The Counsell attended and presented to the Court the draught of a charge against the Kinge. Which being read the Court appoynted Commissarie Generall Ireton, Mr. Millington, Mr. Martin, Col. Harvey, Mr. Chaloner, Col. Harrison, Mr. Miles Corbett, Mr. Scott, Mr. Love, Mr. Lisle, Mr. Say, or any three of them to be a Committee to whom the Counsell might resort for their further advice concerning anything of difficulty in relation to the charge against the Kinge. Who were likewise with the Counsell to compare the charge against him with the evidence. And to take care for the preparing and fitting the charge for the Courts more cleere proceeding in the businesse. And likewise to advise of such generall rules as are fitt for the expediteing the business of the said Court, and to meete the morrow morning at eight of the clock in the Queenes court.

Col. Ludlow, Col. Purefoy, Col. Hutchinson, Col. Scroope, Col. Deane, Col. Whaley, Col. Hughson, Col. Price, Sir Hardresse Waller, Sir Will Constable, together with the Committee for making preparacons for the Kings triall or any three of them are appoynted a committee to consider of the manner of bringing the King to the Court at his triall, and of the place where he shall be kept and lodge at during his said triall and to take consideracon of the secure sitting of the said Court and placing of the guards that shall attend it. And are to meet to-morrow morning at eight of the clock in the inner Starre Chamber.

The Court taking into consideracon the nearnes of Hillary Terme and necessity they appehend of adiourning it in regard of the Kings triall are hereupon of opinion that it is fitt that a fortnight of the said terme be adiourned and Mr. Lisle was desired to move the House therein.

Three Proclamacons.

The Court adiourned itselke till Wednesday next at eight in the morning.

Mercurii Jan 17^o 1648.

Three Proclamacons made and attendance of all psons concerned being required.

The Court is called.

Text of "Bradshawe's Journal."

Commissioners present.

John Bradshaw, Seriant at Lawe
 President of this Court.
 Oliver Cromwell } Esqrs.
 Edward Whaley }
 Tho Lo. Gray of Grooby
 Sir John Davers
 Sir Tho Mallevrey Bart.
 Sir Hardres Waller
 John Barkestead } Esqrs.
 John Blackston }
 Sir Will Constable Bart.
 John Hutchinson } Esqrs.
 Robt. Tichborne }
 Sir Gregory Norton Bart.
 John Venn
 Will Cawley
 Tho Horton
 Tho Hamond
 Isack Ewers
 Cornelius Holland
 Augustine Garland } Esqrs.
 Symon Meyne }
 Peeter Temple }
 John Browne }
 Thomas Scott }
 Thomas Lister }
 John Jones }
 Vincent Potter }

Owen Roe
 Adrian Scroope
 Richard Deane
 John Hughson
 Will Goff
 John Carey
 Thomas Pride
 Francis Allen
 Perigrine Pelham
 John Moore
 Francis Lassells
 Henry Smith
 James Chaloner
 Houmfrie Edwards } Esqrs.
 John Fry }
 Daniell Blaggrave }
 Will Say }
 Edmund Ludlow }
 Edmund Harvie }
 Will Hevingham }
 Henry Martin }
 Will Purefoy }
 Nicholas Love }
 John Lisle }
 Robert Lilbourne }
 Sir John Bourcher Knt.

Ordered that the Commissioners of this Court who have not hitherto appeared bee summoned by warrant under the hands of the clerks of this Court to give their personell attendance at this Court to pforme the service to which they are by Act of the Comons of England assembled in Parliamt appoynted and required.

Ordered that the Seriant at Armes attending this Court or his deputy doe forthwith summon all the aforesaid Commissioners making default who reside or dwell within twenty miles of London.

Particular warrants to every of them were accordingly issued forth for their said attendance.

Upon report made from Col. Hutchinson from the Committee to consider of the manner of bringing the King to triall and the Court order as followeth (viz.)

Ordred that Sir Robert Cottons house bee the place where the King shall lodge during his triall.

That the chamber in Sir Robert Cottons house next the study there shall be the Kings bedchamber.

That the great chamber before the said lodging chamber be for the Kings dining roome and that a guard consisting of thirty officers or other choice men doe always attend the King. Who are to attend him at his lodging above staires, and that two of the said thirty doe always attend him in his bedchamber.

That place for two hundred foote souldiers be built in Sir Robert Cottons garden neare the waterside.

That ten companies of foote be constantly upon the guard for securing of Sir Robert Cottons House. And those companies to be disposed in the

King Charles I.

Court of Requests, the Painted Chamber and other necessary places hereabouts.

That the passage that cometh out of the Ould Pallace into Westminster Hall bee made upp at the enterance of the said passage into the said yarde.

That the topp of the staires at the Court of Warde doore have a cross barr made to it.

That the Kinge bee brought to his triall out of Sir Robert Cottons house the lower way into Westminster Hall, and so brought to the Barr in the face of the Court, attended by the aforesaid garde above staires.

That two railes of about forti foote distance from the place where this Court shall sitt in Westminster Hall be made crosse the said Hall. For the effectuall and substantiall doing whereof, this Court do referre it to the care of the Committee appoynted to consider of the manner of bringing the Kinge to triall. Who are likewise to take care for the raising the floore in such parte of the Hall as they shall think fitt for placing of the guards. And that a rail or railes from the Court down to the Hall Gate be made in such manner as they shall think fitt, on the Comon Pleas side, to keepe the people from the souldiers.

That there be guards sett upon the leads and other places that have windowes to look into the Hall.

That the Generall be desired from tyme to tyme to sende and appoynt convenient guards of Horse for the secure sitting of this Court.

That twenty officers or other gentlemen doe attend upon the Lo. President from tyme to tyme, to and from this Court and through Westminster Hall.

That the officers of the ordinance doe sende unto this Court two hundred halberts, or partizans, being within the Towre of London, for the arming of the garde that are to attend this Court.

That, at the tyme of the triall of the Kinge the Court doe before there sitting in the Court meete in the Exchequer Chamber and doe from thence come upp the Hall together into the Court.

That all back doores from the house called Hell be stopt upp during the Kings triall.

That lodging be ppared for the Lord President at Sir Abraham Williams, his house, in the New Pallace Yarde, during the sitting of this Court and that all provisions and necessaries bee pvided for his Lopp.

That Sir Henry Mildmay, Mr. Holland and Mr. Edwards doe take care for pviding all provisions and necessaries for the Kinge during his triall.

That Sir Henry Mildmay, Mr. Holland and Mr. Edwards doe take care for all necessaries for the Lo. President.

Ordered that the Committee for considering of the manner of bringing the Kinge to triall doe consider what habitts the officers of this Court shall have. Who are to advize with some Hearold at Armes herein, and concerning the ordering of the said officers.

That a Sword be carried before the Lo. President at the triall of the Kinge.

That John Humphries Esqr doe beare the sword before the Lo. President.

That a Mace or Maces, together with a Sword be likewise carried before the Lo. President.

This Court doth adiourn it selfe to three of the clocke in the afternoone.

Text of "Bradshaw's Journal."

Jan 17^o, 1648. Post Meridiem.

Three Proclamacons.

The Court is cleared of strangers and they sit private. The charge against the Kinge is presented by the Counsell and ordered to be recommitted to the Committee appoynted for advice with the Counsell concerning the charge agt. the King. Who are to contract the same and fitt it for the Court, proceeding hereupon according to the Act of Parliament in that behalfe. And the said Committee are likewise to take care for the Kings coming to Westm. to triall at such tyme as to them shall seeme meete. And Lieutenant Generall Cromwell is added to the said Committee. And the Counsell are to attend this Court with the said charge to-morrow at two of the clock in the afternoone, and thereupon.

Ordered that the considering of the manner of bringing the Kinge to triall doe meete (sic) to-morrow morning at eight of the clocke in the Exchequer Chamber.

The Court adiourned itselfe till the Morrow at two of the clocke in the afternoone to the same place.

Jovis Jan 18^o, 1648.

Three Proclamacons made.

Commissioners present.

John Bradshaw, Seriant at Lawe
Lo. President of this Court.
Oliver Cromwell } Esqrs.
Edward Whaley }
Tho. Lo. Gray of Grooby
Sir John Davers
Sir Tho. Mallevery Bar.
Sir Hardres Waller Knt.
John Barkstead } Esqrs.
John Blackston }
Sir Will Constable Knt.
John Hutchinson }
Robt. Tichborne }
Cornelius Holland }
John Hughson }
Tho. Pride }
Will Cawley } Esqrs.
Henry Smith }
Peeter Temple }
Thomas Wogan }
George Fleetwood }
Francis Lassells }
John Fry }

Adrian Scroope
Edmund Ludlow
Perigrine Pelham
Houmfrey Edwards
John More
Richard Deane
John Okey
Thomas Hamond
John Carey
Thomas Harrison
John Venn
Will Purefoy
Simon Meyne
John Browne
Herbert Morley
Will Lord Mounson
Sir Gregory Norton

The Court sitt private.

Col. Tichborne, one of the Commissioners of this Court, informed the Court that he was with Mr. Steele, Attorney of this Court, and found him in his bed very sicke and by reason thereof not like to attend (as yet) to service of this Court according to former order. And desired him the said Coll. to signifie that hee the said Mr. Steele noe way declining the service of the said Court, out of any disaffection to it, but pfeased himselfe to bee so clere in the businesse that if it should please God to restore him,

King Charles I.

hee should manifest his good affection to the said cause. And that it is an addition to his affliction that hee cannot attende this Court to doe that service that they have expected from him and as hee desires to pforme.

The Court adiourneth it selfe till to-morrow, two of the clocke in the afternoone.

Veneris Jan 19^o 1648.

Three Proclamacons.

The Court openly called.

The Commissioners present.

John Bradshaw, Seriant at Lawe

Lo. President

Henry Ireton Esqre.

Sir Hardres Waller Knt.

Tho. Harrison Esqre.

Edward Whaley } Esqrs.

Isack Ewer }

Will Lo. Mounson

Sir John Davers

Sir Thomas Mallevery Bart.

Sir John Bourcher Knt.

Will. Heveningham

Will. Purefoy

John Barkstead

John Blackston

Gilbert Millington

John Hutchinson

Humphry Edwards

John Fry

Sir Gregory Norton Bar.

John Dove

Thomas Scott

Will. Cawley

Thomas Horton

} Esqrs.

} Esqrs.

Sir Michell Leivesley Bart.

Robert Tichborne

Owen Roe

Robert Lilborne

Adrian Scroope

Richard Deane

John Okey

John Hughson

Will Goff

Cornelius Holland

John Carey

John Jones

Perigrine Pelham

Tho. Chaloner

Algernon Sidney

Will. Say

Francis Lassells

Henry Smith

John Lisle

Nicholas Love

Vincent Potter

John Dixwell

Simon Meyne

Peeter Temple

John Browne

} Esqrs.

There the Court sitt private.

Col. Hutchinson reporteth from the Committee appoynted to consider of the habitts of the officers. And it is hereupon ordered that three gounes bee pvided for three Ushers and three cloakes for three messengers of this Court.

Mr. Millington reporteth from the Committee for advice with the Counsell concerning the charge against the Kinge that the Counsell have perfected the charge and are ready to present it.

Hee likewise reporteth the draught of an order whereby the charge may by the command of this Court be exhibited hereafter with a forme of words the effect whereof ye Committee think fitt to be pronounced by him. That this Court shall appoynt so to exhibit the said charge. Which said order and forme of words the Court with some alteracons was agreed unto as followeth :

It is ordered that Mr. Attorney and in his absence Mr. Sollicitor doe in the behalfe of the People of England exhibit and bring into this Court a charge of High Treason and other high crimes against Charles Steward Kinge of England and charge him thereupon in the behalfe aforesaid.

Text of "Bradshaw's Journal."

The forme of words are as followeth,

My Lord,

According to an order of this high court to me directed for that purpose, I doe in the name and in the behalfe of the People of England exhibit and bring in to this Court a charge of High Treason and other high crimes whereof I doe accuse Charles Steward, Kinge of England, here p^{re}sent. And I doe, in the name and in the behalfe aforesaid desire the said charge may be received accordingly and due p^{ro}ceedings had thereupon.

The Counsell likewise according to Mr. Millingtons report present a draught of the charge against the Kinge, which was read the first, second and third tyme and refferred back to the said Counsell to make some small amendment as to the forme thereof.

Ordred &c.

That Commissari Generall Ireton, Col. Whaley, Col. Harrison, Sir Hardres Waller or any two of them, doe appoynt the thirty persons that are by order of the 17th instant to attend the Kinge. And the twenty that are to attend the Lo. President.

Ordered that the Seriant at Armes doe secure Mr. Squibbs gallery by such wayes and meanes as he shall consider meete.

The Court adiourneth it selfe until nine of the clock to-morrow morning.

Sabti Jan 20° 1648.

Three proclamacons and attendance commanded.

Ordered that Sir Henry Mildemay bee desired to deliver unto John Houmfries Esqr the Sword of State in his custody. Which said Sword Mr. Houmfries is to beare before the Lord President of this Court.

The Court being sate as aforesaid, before they ingaged in further businesse the Seriant at Armes of the House of Comons came hither and acquainted the Court that the House wanted theire members that were of that Court. The Court thereupon adiourned till twelve of the clock the same day.

The Court accordingly mett at twelve of the clocke.

Three Proclamacons made.

Commissioners present.

Painted Chamber, Jan 20° 1648.

John Bradshaw, Seriant at Lawe

Lo. President of this Court

Thomas Lo. Grey of Grooby

Henry Martin Esq.

Henry Ireton

Augustine Garland

Thomas Chaloner

Nicholas Love

Will. Cawley

John Venn

Will Purefoy

John Barkstead

James Chaloner

Peeter Temple

Thomas Harrison

Robert Tichborne

John Hutchinson

} Esqrs.

Sir Michell Livesley Bar.

Sir John Davers

Mr. Millington Esqr.

Sir Hardres Waller Knt.

John Blackston

Oliver Cromwell

John Frye

Anthony Stapley

John Hughson

Houmfrie Edwards

Isacke Pennington

Alderman of London

John Browne

Edward Whaley

John Okey

Thomas Pride

Adrian Scroope

} Esqrs.

King Charles I.

Sir Gregory Norton Bar.
 Sir Tho. Mallevery Bar.
 Daniell Blagrove
 Owen Roe
 Thomas Wogan
 Will Say
 Francis Lassells
 John Jones
 Sir John Bourcher
 John Carey
 John Downes } Esqrs.

Valentine Wanton
 Thomas Hamond
 James Temple
 Perigrine Pelham
 Thomas Lisle
 Edmond Ludlow
 Simon Meyne
 Thomas Scott
 Edmund Harvey
 Will. Lo. Mounson
 Henry Smith Esqr.
 Sir Will Constable Bar.
 Isacke Ewer Esq.
 Sir Henry Mildmay Knt. } Esqrs.

Here the Court satt private.

Ordered that the forme and method of the Court proceedings unto and in the reading of the commission by which they sitt, sending for and bringing the prisoner to the Barr, acquainting him in briefe the cause of his bringing thither, receiving and reading the charge and demanding what the prisoner saith thereunto be referred to the discretion of the Lo. President, as also that in case the prisoner shall in language or carriage towards the Court be insolent, outrageous or contemptuous that it be left to the Lo. President to reprehend him therefore and admonish him of his duty, or to command the taking away the prisoner (and if he see cause) to withdrawe or adiourne the Court. But as to the prisoners puting off his hatt, the Court will not insist upon it for this day. And that if the Kinge desire to answer the Lo. President is to give him tyme.

Ordered upon the Lord Presidents desire and motion that Mr. Lisle and Mr. Say Commissioners of this Court be assistant to the Lo. President. And for that purpose it is ordered that they sitt near the Lo. President in court.

Mr. Solicitor presented the charge against the Kinge ingrossed in parchment, which was read and being by Mr. Solicitor signed was returned to him to bee exhibited against the Kinge in his Presence in open Court and thereupon

The Court adjourned itself forthwith to the greate Halle in Westminster.

Lunae Jan 22° 1648.

Painted Chamber.

Commissioners present.

John Bradshaw, Seriant at
 Lawe, Lo. President
 Will Say
 Anthony Stapley
 John Jones
 John Downes
 Gilbert Millington } Esqrs.
 Sir Hardres Waller Knt.
 Edward Whaley } Esqrs.
 Francis Allen
 Sir Thomas Mallevery Bar.
 Valentine Wanton Esq.
 John Hutchinson } Esqrs.
 Oliver Cromwell
 Tho. Lo. Gray of Grooby

Peeter Temple
 John Fry
 Thomas Scott
 Henry Smith
 Thomas Pride
 Augustine Garland
 John Venn
 Sir John Bourcher
 Sir Will Constable Bar.
 Isacke Pennington
 Alderman of London
 Thomas Harrison
 Edmund Harvie
 Thomas Andrewes
 Alderman of London } Esqrs.

Text of "Bradshawe's Journal."

Sir Gregory Norton Bar.

Robt. Wallop
James Temple
Owen Rowe
Richard Deane
Will. Goff
Francis Lassaels
Edmund Ludlow
Thomas Chaloner
Will Cawley
Nicholas Love
John Carey
Adrian Scroope
John Dixwell
John Moore
Robert Tichborne
James Chaloner
Gregory Clement

Esqrs.

Isaack Ewers

John Hughson
Cornelius Holland
Houmfrie Edwards
Vincent Potter
John Okey
John Blackiston
Tho. Hamond
Daniell Blagrove
Will. Heveningham
Sir Michell Livesey Bar.
John Barkestead
Perigrine Pelham
John Downes
Henry Martin
Will. Purefoy
Will. Lo. Mounson

Esqrs.

Esqrs.

Here the Court sate private.

Ordered that the Committee for nominating the officers of this Court together with the Committee for nominating the guards doe consider of an allowance for diet of the officers and what other satisfaction they shall have for their service.

Col. Harvie informed the Court that he was desired to signifie unto this Court in the behalf of Mr. John Corbett, a member of this Court, that his absence is not from any dissatisfaction to the proceedings of this Court, but in regard to other special imployment that hee hath in the service of the State.

Here the Court considered of the Kings carriage upon the Saturday before and of all that had then passed, and fully approved of what the Lo. President had then done, and said, in the manning of the business of that day, as agreeing to theire sense, and pcieiving what the King aymed at (viz.) to bring in question the jurisdiction of the Court and the authority whereby they satt. And considering that hee had not in the interim acknowledged them in any sort to be a Court or his judges. And through theire sides intended to wounde (if hee might bee pmitted) the supream authority of the Comons assembled in Parliamt. After advice with their Counsell learned in both lawes and mature deliberance had of the matter, resolved that the King should not be suffered to argue the Courts jurisdiction of that which constituted them a Court. Of which debate, they had not proper cognisance, nor could they, being a derivative judge of that supream Court which made them judges and from which there was no appeale. And did therefore order and direct (viz.)

Ordered that in case the Kinge shall againe offer to dispute the authority of the Court the Lo. President doe let him know that the Court have taken into consideration his demands of the last day and that hee ought to rest satisfied with this answer. That the Comons of England assembled in Parliamt. have constituted this Court, whose powre may not, nor should bee, pmitted to be disputed by him.

That in case he shall refuse to answer or acknowledg the Court the Lo. President doe lett him knowe that the Court will take it as a contumacie and that it shall bee so recorded.

That in case hee shall offer to answer with a saveing notwithstanding of his pretended Prerogative above the jurisdiction of the Court. That the Lo. President doe, in the name of the Court refuse his ptest and require his positive answer whether he will owne the Court or not.

King Charles I.

That in case the Kinge shall demande a coppie of the charge that he shall then declare his intention to answer, and that declaring his such intention a coppie be granted unto him.

That in case the Kinge shall still psist in his contempt the Lo. President doe give command to the Clerke to demand of the Kinge in the name of the Court in theise words following (viz.)

Charles Stuart, King of England you are accused in the behalfe of the People of England of divers high crimes and treasons, which charge hath been read unto you.

The Court requires you to give a positive answer whether you confess or deny the charge, having determined that you ought to answer the same.

Ordered that the Commissioners shall be called in open Court, at the Courts sitting in the Hall and that the names of such as appeare shall be recorded.

Thereupon the Court forthwith adiourned it selfe into Westminster Hall.

Painted Chamber.

Martis Jan 23^o 1648.

Three Proclamacons are made and all pties concerned required to give attendance.

Commissioners present.

John Bradshaw, Seriant at Lawe

Lo. President of this Court

John Lisle } Esqrs.
Will Say }

Sir James Harrington Knt.

Francis Allen }

Henry Martin } Esqrs.
Thomas Scott }

Sir Hardres Waller Knt.

Edward Whaley }

John Venn } Esqrs.
Richard Deane }

John Hughson }

Tho. Lo. Gray of Grooby }

Will Purefoy } Esqrs.
Daniell Blagrove }

Sir Will. Constable Bar.

Gilbert Millington }

Houmfrey Edwards } Esqrs.
Anthony Stapley }

Robert Tichborne }

Sir John Davers }

Simon Meine }

Vincent Potter }

Edmond Harvey }

Thomas Pride }

Henry Smith }

Tho. Chalonor }

Miles Corbett }

John Okey }

Owen Roe }

Sir John Bourcher Knt.

Sir Tho. Mallevery Bar.

John Fry }

Gregory Clement } Esqrs.
John Carey }

Oliver Cromwell }

Edmond Ludlow } Esqrs.
John Blackston }

Sir Henry Mildmay Knt.

John Hutchinson }

Peeter Temple } Esqrs.
Henry Ireton }

Sir Michell Livesley Bar.

John Jones }

James Temple } Esqrs.
Isacke Ewers }

Isacke Pennington }

Alderman of London.

Tho. Harrison }

Adrian Seroope } Esqrs.
Robert Lilborne }

Sir Gregory Norton Bar.

Cornelius Holland }

Will Cawley }

Augustine Garland }

Nich. Love } Esqrs.
Thomas Hamond }

John Moore }

Tho. Andrewes }

Alderman of London.

John Dixwell Esq.

Sir Gilbert Pickering Bar.

Will Heveningham }

Valentine Wauton } Esqrs.
John Downes }

Text of "Bradshawe's Journal."

Here the Court sat private and taking into consideration the proceedings of the last Court, the last day, fully approved of what the Lo. President had then said and done. And likewise takeing into consideration the demeanor of the Kinge at the said Court, have notwithstanding resolute to trye him once more, whether hee will owne the Court. And to that purpose ordered that the Lo. President doe therefore in the name of the Court require his possitive and finall answer. And if he shall still paist in his obstinacie, that the Lo. President give command to the Clerke to reade as followeth (viz.)

Charles Stuart, Kinge of England you are accused on behalfe of the People of England of divers high crimes and treasons. Which charge hath bin reade unto you. The Court now requires you to give your finall and possitive answer by way of confession or deniall of the charge.

Nevertheless if the King should submitt to answer and desire a coppie of his charge, that it bee graunted him, the Lord President (notwithstanding) giving him to knowe that the Court might in justice forthwith proceed to judgment for his former contumacie and failure to answer. And that hee bee required to give his answer to the said charge the next day at one of the clocke in the afternoone. Whereupon

The Court adiourned to Westminster Hall forthwith.

(Painted Chamber, Tuesday, 23rd Jan.)

The Court according to theire adiournment from Westminster Hall came togeather from thence into the Painted Chamber where they sitt private and ordered as followeth.

Ordered that noe Commissioner ought or shall depart from the Court without speciall leave of the said Court.

This Court tooke into consideration the Lo. Presidents managing of the business of this Court, this day in the Hall, and the Kings refusal to answer, notwithstanding he had been severall tymes demanded and required thereunto. And have thereupon fully approved of what on the Lo. Presidents part had been passed. And resolved that notwithstanding the said contumacie of the Kinge and refusall to pleade, which in lawe amounts to a standing mute and tacite confession of the charge. And notwithstanding the notoriety of the Fact charged, the Court would nevertheless (however) examine witnesses for the greater and clearer satisfaction of theire owne judgments and consciences. The manner of whose examination was referred to further consideration the next sitting and warrants were accordingly issued forth for summoning of witnesses.

Mr. Peeters moveth the Court as a messenger from the Kinge (viz.) that the Kinge desires hee might speake with his chaplaines that came unto him privately. But the Howse of Comons having taken that into theire consideration the Court conceived it not proper for them to intermeddle therein.

The Court adiourneth it selfe till the morrow morning at nine of the clocke to this place.

King Charles I.

Painted Chamber.
Proclamations are made.

Mercurii Jan 24° 1648

Commissioners present.

John Bradshaw, Seriant at Lawe, Lo. President of this Court.

Sir Tho. Mallevery Bar.

Tho. Scott

Edw. Whaley

John Carey

Edmund Harvi

Owen Roe

John Blackston

Will Purefoy

Henry Smith

John Fry

Francis Lassell

Daniell Blagrav

Anthony Stapley

Sir Gregory Norton Knt.

Will Cawley

Robt. Tichburne

Henry Martin

Oliver Cromwell

Sir John Davers

John Moore

Richard Deane

Vincent Potter

Cornelius Holland

John Barkestead

Esqrs.

Esqrs.

Esqrs.

Tho. Lo. Grey of Grooby

John Hughson

John Okey

Gilbert Millington

John Jones

Will Goff

Sir John Bourcher Knt.

Isacke Pennington

Alderman of London

Symon Meyne

Adrian Scroope

John Dixwell

Isacke Ewers

John Eldred (sic)

Peter Temple

Perigrine Pelham

Edmund Ludlow

John Hutchinson

Thomas Pride

Will. Heveningham

Sir Will. Constable Bar.

Thomas Horton

Francis Allen

Esqrs.

Esqrs.

Esqrs.

The Court took into consideration the manner how the witnesses should be examined and in regard the Kinge hath not pleaded to issue and that this examination was "ex abundanti" onley, for the further satisfaction of themselves.

Resolved. That the witnesses that shall be examined to the charge against the Kinge shall be examined in the Painted Chamber before the Court here.

Ordered that Mr. Millington and Mr. Thomas Chaloner doe forthwith repaire unto John Brown Esq. Clerk of the Howse of Peeres for such papers as are in his custody which are conducible for the businesse and service of the Court. And the said Mr. Browne is required to sende the said papers hither accordingly.

[Marginal note.] Witnesses pduced and sworne in Court to give evidence to the charge against the Kinge.

Henry Harford

Edward Roberts

Will Braines

Robert Lacey

Robert Loade

Samuell Morgan

James Williams

Michell Potts

Giles Grice

Will. Arnop

John Vinson

George Seely

John Moore

Thomas Eves

James Crosby

Thom. Rawlins

Sworne

Richard Blomfield

John Thomas

Samuell Lawson

John Pyneger

George Cornewell

Tho. Withington

Will Jones

Houm. Browne

Arthur Yonge

David Evans

Diogines Edwards

Robert Williams

John Bennett

Samuel Burden

Sworne

Text of "Bradshawe's Journal."

Col. Horton, Col. Deane, Col. Okey, Col. Hewson, Col. Rowe, Col. Tichborne, Col. Whaley, Col. Tomlinson, Col. Goffe, Col. Ewers, Col. Scroope, Mr. Love, Mr. Scott, Mr. Thomas Chaloner, Mr. Millington, Sir John Davers or any three of them are a committee appoynted to take the examination of the said witnesses now sworne, whereupon the clerks are to attende for that purpose.

The Court graunted their summons for summoning further witnesses and adiourned it selfe till the morrow at nine of the clocke in the morning to this place.

Painted Chamber.

Jovis Jan 25° 1648.

Commissioners present.

John Bradshaw, Seriant at Lawe

Lo. President of this Court

Richard Deane Esq.

Sir Hardres Waler Knt.

Edward Whaley

John Okey

Edmund Harvie

Adrian Scroope

Henry Smith

Thomas Scott

Will Cawley

John Carey

Gilbert Millington

Thomas Chaloner

Sir John Bourcher Knt.

Sir Thomas Mallevery Bar.

Esqrs

John Moore

Perigrine Pelham

John Hughson

John Barkstead

Francis Allen

Thomas Harrison

John Jones

Tho. Aldred

John Browne

Isacke Ewers

Robt. Tichbourne

Augustine Garland

Francis Lassells

John Dixwell

John Venne

Sir Michell Livesley Bar.

With divers others &c.

Esqrs.

The Court here satt private.

The Court ordred that the Marshall Generall of the Army or his deputy doe bringe forthwith to this Court Mr. Houlder, prisoner at White Hall. To the ende that he may testifie his knowledge of all such matters as shall bee propounded unto him concerning the charge against the Kinge.

Ordred that the Deanes House in Wesminster Abby be pvided and furnished for the lodging of the Lo. President and his servants, guards and attendance, and a committee are appointed to take care hereof accordingly.

Mr. Henry Gouge and Mr. William Cuthbert, witnesses, pduced to the charge against the King were sworne and examined.

The witnesses sworne in open Court and after examined by the Committee appoynted for that purpose the fowre and twentie instant, were now in open Court called and their respective depositions were read to them. Who did avow theire said severall depositions and affirme what was so read unto them respectively was true, upon the oathes they had taken.

The Court being informed that Maior Fox, being of the guard attending the Lo. President, is arrested and committed to the keeper of Ludgate.

Ordred that the said keeper doe forthwith bring the said Maior before this Courte and attend this Court in pson himselfe to receive the further direcon of the Court.

Mr. Houlder being brought before this Court, according to theire order of this day. And his oath tendred upon him to give evidence to such matters as should be ppounded unto him concerning the charge against the Kinge, the said Mr. Houlder desired to be spared from giving evidence

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against the Kings. Whereupon the commissioners finding him already a prisoner and perceiving that the questions intended to be asked him tended to accuse himselfe thought fitt to remande him (and accordingly did soe) to the prison from whence hee was brought.

The Depositions taken ut supra are as followeth (viz.)

Jan 25^o 1648.

Will Cuthbert of Portrington in Holdernes Gent, aged forty two years or thereabouts sworne and examined saith. That he this Deponent living at Hull Bridge neare Beverley in July 1642 did then heare that forces were rayased of about three hundred foote, for the Kings guard, under Sir Robert Strickland. And this Depont further saith that about the second of July 1642 hee saw a troope of horse come to Beverly, being the Lords Day, about foure or five of the clock in the afternoone, called the Princes troop, Mr. James Nelthorpe being then Mayor of the said towne. And this depont further saith that hee did see that afternoone the said troope march from Beverly aforesaid into Houldernes, where they received ammunition brought up the river of Humber unto them. And this depont farther saith that the same night, being Sunday, there came about three hundred foot soldiers (said to be Sir Robert Stricklands regiment) under the command of Lt. Col. Doncombe, and called the Kings guard, unto his this deponts howse, called Hull Bridge neare Beverly about midnight, and brake open entred and possessed themselves of the said howse. And that the Ea. of Newport, the Ea. of Carnarvon, and divers others came that night thither to the said forces. And that the same night (as this Depont was then informed) Sir Thomas Gower, then High Sheriff of the said county came thither and left there a warrant for staying all pvisions from going to Hull to Sir John Hotham. Which said warrant was then delivered to this depont, being constable, by Leiftent Col. Duncombe. And this depont further saith that hee was by the said forces put out of his howse and did with his family goe to Beverly and that after that (viz.) the Tuesday following to this deponts best remembrance, hee did see the Kings come to Beverley to the Lady Gee's howse there, where hee this depont did often see the Kings with Prince Charles and the Duke of Yorke. And that the trayned bands were then rayased in Houldernes. Who were rayased (as was generally reported) by the Kings commands. And this Depont further saith that the night after the said forces had as aforesaid possessed themselves of this deponts howse Col. Legers howse was plundered by them, being upon a Munday. Which aforesaid entry of this deponts howse was the first act of hostility that was committed in these parts. And this depont further saith that after the said Sir Robert Stricklands said company was gone from Hull Bridge, having continued there about tenn days, there then came to the said howse Col. Wivel with about seven hundred foot soldiers, who then tooke upp his quarters at Hull Bridge aforesaid. And this depont further saith that the warrant hee now produceth to this Court is the same originall warrant aforesaid spoken off. And this depont further saith that the Generalls name of the said forces that were there and was rayased as aforesaid was the Ea. of Lindsey. And that this depont was brought before him, the said Generall in the name of the Kings Lord Generall, for holding intelligence with Sir John Hotham, then Governor of Hull, and because it was then informed to the said generall that hee, this depont has pvisions of corne to sende over into Ireland. Which hee the said

Text of "Bradshawe's Journal."

Depont was forbidden by the said Generall to sende unto Ireland or any place else without his or the Kings direction or warrant first had in that behalfe.

The aforesaid warrant menconed in the deposition of the said Will Cuthbert is as followeth.

It is his Majesties command that you do not suffer any victuals or pvision of what sort soever to bee carried into the towne of Hull, without his Majesties speciall licence first obtained. And of this you are not faile at yor p-ill. Dated at Beverley 3 Julii 1642.

Tho. Gower, Vi.Co.

To all head constables and constable in the
East riding in the county of Yorke and
to all other his Majesties loyall subjects.

John Bennett of Horwood in the County of Yorke, Glover, sworne and examined saith that hee being a souldier under the King his commande, the first day that the Kings Standard was set upp at Nottingham which was about the middle of summer last was six yeares hee this examine did worke at Notting. within two or three days after the said Standard was soe sett upp. And that the said Standard did fly the same day that the King was in the said Castle as aforesaid. And this Depont did heare that the Kinge in Nottingham the same day that the said Standard was first sett upp and before (sic). And this depont further saith that hee this depont and the regiment of which hee then was had their Colonel then given them. And (Sir Wm. Penniman being then Col. of the said regiment) the said Sir Will Penniman was psent with his said regiment at that tyme. And this depont further saith that there was then there the Ea. of Lindsey, his regiment, who had their colours then given them. And that the said Ea. of Lindsey was then also proclaymed there the Kings Generall. And that it was proclaymed then there likewise in the Kings name at the head of every regiment that the said forces should fight against all that came to oppose the Kinge or any of his followers. And in pticular against the Ea. of Essex, the Lo. Brooke and divers others. And that they the said Ea. of Essex and Lo. Brooke and divers others were then proclaymed traytors. And that the said Proclamacons were printed and dispersed by the officers of the regiments throughout every regiment. And this depont further saith that the said Standard was advanced upon the highest tower of Nottingham Castle. And that hee, this depont, did see the Kinge often in Nottingham at that time that the forces continewed at Nottingham as aforesaid, they continewing there for the space of one moneth. And that drums for raysing volunteers to fight under the Kings command were then beaten all the said country over and divers others forces were rayased there. And this Depont further saith that hee did take upp armes under the Kings command as aforesaid for feare of being plundred, Sir Will. Penniman giving out that it were a good deede to fire the said towne, because they would not goe forthe in the Kings service. And that this deponts father did thereupon command him, this depont, to take up armes as aforesaid. And that divers others (as they did confess) did then also take upp armes for the Kinge for feare of being plundred. And this depont further saith that in or about the moneth of October 1642 hee did see the King at Edg Hill in Warwick, where hee sitting on horseback whilst his Army was

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drawne upp before him did speak to the Col. of every regiment that passed by him, that he would have them speak to the soldiers to encourage them to stand to it and to fight against the Ea. of Essex, the Lo. Brooke, Sir Will. Waller and Sir William Belfore. And this depont saith that hee did see many slain at the fight at Edge Hill. And that afterwards hee did see a list brought in unto Oxford of the men that were slain at that fight, by which it was reported that there were slaine six thousand five hundred fifty nine men. And this depont further saith afterwards in or about the moneth of November 1642 hee did see the Kinge in the head of his Army at Hounslow Heath in Midd., Prince Rupert then standing by him. And hee this depont did then heare the King encourage severall regiments of Welchmen (then being in the field) which had runne away at Edge Hill, saying unto them that hee did hope they would regain their honour at Brenford which they had lost at Edge Hill.

Will Brayne of Wixall in the County of Salopp Gent. being sworne and examined deposeth that about August in the yeare 1642 this depont saw the King at Notting. while the Standard was upp and the flagg flying. And that hee this depont was about the same tyme marched with the Kings army from Nottingham to Derby, the Kinge himsele being in the Army. And about September the said yeare, hee this depont was putt upon his tryall at Shrewsbury as a spie, before Sir Robert Heath and other commissioners of oyer and terminer, the King then being in psone in Shrewsbury.

Henry Hartford of Stratford upon Avon in Warwickshire sworne and examined deposeth that about corn harvest in the yeare 1642, this depont saw the King in Nottingham Castle while the Standard was sett upp upon one of the towres of the said Castle and the flag flying. And hee further saith and deposeth that hee this depont sawe the Kinge the same yeare about the moneth of November in Brainford towne on horsebacke with a great many commanders about him, on a Sunday morning, when on the Saturday night before there were a great many of the Parliamt forces slaine by the Kings forces in the said towne.

Robert Lacy of the towne and County of Nottingham, painter, sworne and examined deposeth that hee this depont in summer tyme in the yeare 1642, by order from Lo. Beaumont did paint the Standard pole which was sett upp on the topp of the ould Towre of Nottingham Castle. And hee further saith that hee sawe the Kinge in the town of Nottingham divers tymes while the Standard was upp there and flagg flying, and that the Kinge did lye at the howse of my lord of Clare in Nottingham towne and that hee this depont did then and there see the Kinge many tymes.

Edward Roberds of Bishopp Castle in the County of Salopp, irnmonger sworne and examined saith and deposeth that hee this depont sawe the Kinge in Nott. towne while the Standard was sett upon a high towre in the Castle. And he farther saith that hee sawe the Kinge at the head of the Army at Shrewsbury, upon the march towards Edge Hill. And that hee likewise sawe the Kinge upon the Sunday morning in Brainford after the fight upon the Saturday next before in the said towne.

Robert Loade of Cotham in Nottinghamshire, tyler, sworne and examined saith that hee this depont about October in the yeare 1642 sawe the Kinge in the reare of his Army in Kenton field, upon a Sunday, where he saw many slain upon both sides. And hee further saith that hee saw the King in Cornwall in his Army, neare the howse of my Lo. Mohun about Lestithiell, about corne harvest 1644.

Text of "Bradshawe's Journal."

Samuell Morgan of Wellington in the County of Salopp, feltmaker, sworne and examined deposeth that hee, this depont, upon a Sunday morning in Kenton field sawe the Kinge upon the topp of Edge Hill in the head of the Army, some two howres before the fight, which hapned after Michelmas one a Sunday in the yeare 1642. And hee this depont saw many men killed on both sides in the same tyme and place. And hee further saith that in the yeare 1644, hee this depont sawe the Kinge in his Army neare Cropredy bridge, where hee saw the King light off his horse and draw upp the body of his Army in pson himselfe.

James Williams of Rosse in Herifordshire, shoemaker, sworne and examined deposeth, that hee this depont about October the yeare 1642 sawe the Kinge in Keinton field, belowe the hill in the field, with his sworde drawne in his hande, at which tyme and place there was a great fight and many killed on both sides. And hee further deposeth that he saw the King at Brainford on a Sunday in the forenoone in November the yeare aforesaid, while the Kings army was in the said towne and round about it.

John Pynnegar of the p-ish of Haynor [Heanor] in the County of Derby, yeoman, aged thirty seaven yeares or thereabouts sworne and examined saith that about August 1642 hee this depont sawe the Kings Standard flying upon one of the towres in Notting. Castle. And that upon the same day he saw the King in Thirland Howse, being the Ea. of Clares howse in Nottingham, in the company of Prince Rupert, Sir John Digby and other psons, both noblemen and others. And that the Kinge had at the same tyme a traine of artillery in the said towne, and the said towne was full of the Kings souldiers.

Samuell Lawson of Nottingham, maultster, aged thirty yeares or thereabouts sworne and examined saith that about August 1642, hee the said depont sawe the Kings Standard brought forth of Notting. Castle, borne upon divers gentilemens shoulders. Who (as the report was) were Noblemen. And hee saw the same carried by them to the Hill adjoyning to the Castle with a Herald before it. And there the said Standard was erected with great showing, acclamacons and sounde of drums and trumpetts. And that when the said Standard was so^e erected there was a Proclamacon made. And that hee this depont sawe the Kinge psent at the said erecting thereof. And this depont further saith that the said towne was then full of the Kings souldiers, of which some quartered in his, this deponts howse. And that when the Kinge with his said forces went from the said towne the inhabitants of the said towne were forced to pay great sums of money to the Kings Army, being threatened that in case they should refuse to pay it the said towne should be plundered.

Arthur Young, citizen and barber chirurgion of London being aged twenty nine yeares or thereabouts sworne and examined saith that hee this depont was present at the fight at Edge Hill between the Kings Army and the Parliaments in October 1642. And hee did then see the Kings Standard advanced and flying in his Army in the said fight. And that hee this depont did then take the said Standard in that battle from the Kings forces. Which was afterwards taken from him by one Middleton, who was afterwards made a Collonel.

Thomas Withington of the towne and County of Nottingham, shoemaker, aged twenty and two yeares sworne and examined saith that hee this depont sawe the Kinge in the towne of Notting. the same day that his Standard was first sett upp, in Nottingham Castle, being about the beginning of August 1642. And that the Kinge then sent from his lodging

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at Thurland House towards the said Castle. And that hee this depont saw him severall tymes about that tyme in Notting., there being divers souldiers at the said tyme in that towne, who were called by the name of the Kings souldiers. And this Depont further saith that he saw the Kings Standard flyng upon the ould towre in the said Castle.

John Thomas of Llangollen in the County of Denbigh husbandman, aged twenty five yeares or thereabouts, sworne and examined saith that he sawe the Kinge at Brentford in the County of Midd. on a Saturday at night at twelve of the clocke, soone after Edge Hill fight, attended with horse and foot souldiers, the Kinge being on horsebacke, with his sword by his side. And this depont then heard the King say to the souldiers as they were riding through the said towne, 'Gentlemen you lost your honour at Edge Hill, I hope you will winne it againe here,' or words to that effect. And this depont saith that there were some skirmishes betwixt the Kings Army and the Parliamts Army at the same tyme both before and after the Kinge spoke the said words. And that many men were slain in the said fight on both sides.

Richard Blomfeild, citizen and weaver of London, aged thirty five yeares or thereabouts, sworne and examined, saith that at the defeat of the Ea. of Essex his Army in Cornwall hee this depont was there, it beinge at the latter end of the moneth of August or beginning of September 1644. At which tyme hee this depont saw the Kinge at the head of his Army, neare Foy [Fowey] on horsebacke. And further saith that he did see divers of the Ea. of Essex his souldiers plundered contrary to the articles then lately made neare the pson of the Kinge.

Will Jones of Uske in the County of Monmouth, husbandman, aged twenty two yeares or thereabouts, sworne and examined saith that hee this depont did see the Kinge within two miles of Nasby field, the Kinge then coming fromwards Haverborough [Harborough], marching in the head of his Army towards Nasby field, where the fight was. And that hee this depont did then see the Kinge ride up to the regiment which was Col. St. Georges and there this depont did heare the Kinge aske the said regiment whether they were willing to fight for him, to which the souldiers made an acclamation, crying All, all. And this depont further saith that hee saw the King in Leicester with his forces the same day that the Kings forces had taken it from the Parliaments forces. And this deponent further saith that hee saw the King in his Army that besieged Gloucester at the tyme of the said seedge.

Houmfrey Browne of Whitsondine in the County of Rutland, husbandman, aged 22 yeares or thereabouts, sworne and examined, saith that at such time as the town of Leicester was taken by the Kings forces, being in or about June 1645, Newark Fort in Leicester aforesaid was surrendered to the Kings forces, upon composition that neither clothes nor money should be taken away from any of the soldiers of that fort, which had so surrendered, nor any violence offered to them. And that as soon as the said fort was, upon such composition so surrendered as aforesaid, the Kings soldiers, contrary to the articles, fell upon the soldiers of the said fort, stripped, cut and wounded many of them. Whereupon one of the Kings officers rebuking some of those that did so abuse the Parliaments soldiers, this depont did then heare the Kings reply, 'I do not care if they cut them three times more, for they are mine enemies,' or words to that effect. And that the King was then on horseback, in bright armour, in the said town of Leicester.

Text of "Bradshawe's Journal."

David Evans of Abergenny in the County of Monmouth, smith, aged about 23 yeares or thereabouts saith that, about half an hour before the fight at Naseby, about Midsummer in June 1645, he saw the Kinge marching up to the battle in the head of his Army, being about half a mile from the place where the said battle was fought.

Diogines Edwards of Carston in the County of Salopp, butcher, aged 21 or thereabouts, saith that in June 1645 this depont saw the Kinge in the head of his Army an hour and a half before the fight in Nasby field, marching up to the battle, being then a mile and a half from the said field. And this depont saith that he did afterwards the same day see many slain at the said battle.

Gyles Grice of Wellington, in Shropshire, gent, sworne and examined, deposeth that he this depont saw the Kinge in the head of his Army at Cropredy bridge, with his sword drawn in his hand that day, when the fight was against Sir William Waller, on a Friday, as this depont remembereth in the year 1644, about the month of July. And he farther saith that he saw the Kinge, in the same summer, in Cornwall, in the head of his Army, about Lestithiel, at such time as the Earl of Essex was there with his army. And he further saith that he also saw the Kinge in the head of his Army, at the second fight near Newbury. And further saith that he saw the King in the front of the Army in Nasby field having back and breast on. And he further saith that he saw the Kinge at the head of the Army, at what time the towne of Leicester was stormed, and saw the King ride into the town of Leicester after the town was taken, and he saw a great many men killed on both sides, at Leicester, and many howses plundered.

John Vincent, of Damorham in the County of Wilts, gent, sworne and examined saith that he did see the Kinge in the first Newbury fight, about the month of September 1643, in the head of his Army, where this deponent did see many slain on both sides. This depont also saith that he did see the Kinge at the second battle at Newbury, about the month of November 1644, where the Kinge was at the head of his Army in complete armour, with his sword drawn. And this depont did then see the Kinge lead up Col. Thos. Howards regiment of horse and did hear him make a speech to the souldiers, in the head of that regiment, to this effect, that is to say 'That the said regiment should stand to him that day, for that his Crown lay upon the point of the sword; and if he lost that day he lost his honour and his Crown for ever.' And this depont did see many slain on both sides at that battle. This depont further saith that he did see the King in the battle at Nasby field in Northamptonshire, on or about the month of June 1645, when the King was then completely armed with back, breast and helmet, and had his sword drawn. Where the Kinge himself, after his party was routed did rally up the horse and cause them to stand. And at that time this depont did see many slain on both sides.

George Seeley of London, cordwayner, sworne and examined saith that he did see the Kinge at the head of a brigade of horse at the seedge of Gloster, and did also see the Kinge at the first fight at Newbury about the month of September 1643, where the King was at the head of a regiment of horse and that there were many slain at that fight on both sides. This depont also saith that he did see the Kinge at the second fight at Newbury, which was about November 1644, where the Kinge was in the middle of his Army.

John Moore of the City of Cork in Ireland, gent, sworne and examined,

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saith that at the last fight at Newbury about the month of November 1644, he this depont did see the Kinge in the middle of the horse, with his sword drawn, and that he did see abundance of men at that fight slain, upon the ground on both sides. This depont also saith that he did see the King ride into Leicester before a party of horse, the same day that Leicester was taken by the Kings forces, which was about the month of June 1645. This depont further saith that he did see the Kinge, before the fight at Leicester, at Cropredy bridge, in the midst of a regiment of horse, and that he did see many slain at the same time, when the Kinge was in the fight at Cropredy bridge. And lastly, this depont saith that hee did see the Kinge at the head of a regiment of horse at Nasby fight, about the month of June 1645, where he did see abundance of men, cut, shot and slain.

Thomas Ives of Boysett in the County of Northampton, husbandman, sworne and examined saith that he did see the King in his Army at the first fight in Newbury in Berkshire, in the moneth of September 1643 and that he did see many slain at that fight. He this depont and others with a party of horse, being commanded to face the Parliaments forces whilst the foot did fetch off the dead. He saith also that he did see the Kinge advance with his Army to the fight at Nasby field in Northamptonshire, about June 1645, and that he did again at that fight see the King come off with a party of horse after that his army was routed in the field. And that there were many slain on both parts at that battle of Nasby.

Thomas Rawlins of Hanslopp in the county of Bucks, gent, sworne and examined, saith that he did see the Kinge near Foy in Cornwall, in or about the month of July 1644, at the head of a party of horse. And this depont did see some souldiers plunder after the articles of agreement made between the Kings Army and the Parliamt forces. Which souldiers were so plundred by the Kings party not far distant from the person of the Kinge.

Thomas Read, of Maidstone in the County of Kent, Gent, sworne and examined, saith that presently after the laying down of arms in Cornwall, between Lestithiel and Foy, in or about the latter end of the month of August, or the beginning of September 1644, he this depont did see the Kinge in the head of a guard of horse.

James Crosby of Dublin in Ireland, barber, sworne and examined, saith at the first fight at Newbury about the time of barley harvest 1643, he this depont did see the Kinge riding from Newbury town, accompanied with divers lords and gentlemen, towards the place where his forces were then fighting with the Parliaments army.

Samuell Burden of Lyneham, in the County of Wilts, gent, sworne and examined, saith that hee this depont was at Nottingham in or about the month of August 1642, at which tyme he saw a flag flying upon the towre of Nottingham Castle. And that the next day afterwards he did see the Kinge at Nottingham, when the said flag was still flying, which flag this depont then heard was the Kings standard. He saith also that he did afterwards see the Kinge at Cropredy bridge, in the head of his army, in a fallow field there, and did see the Kinge in pursuit of Sir William Wallers army, being then routed, which was about the month of July, 1644. And at that time this depont did see many people slain upon the ground. And further this depont saith that in or about the month of November 1644, he did see the Kinge at the last fight at Newbury, riding up and down the field from regiment to regiment, whilst his army was there, fighting with the Parliaments forces. And this depont did see many men slain at that battle, on both sides.

Text of "Bradshawe's Journal."

Michall Potts of Sharpreton, in the county of Northumberland, vintner, sworne and examined, deposeth that he this depont saw the Kinge in the head of the Army in the fields about a mile and a half from Newbury town, upon the Heath, the day before the fight was, it being about harvest tide in the year 1643. And he further saith that he saw the Kinge on the day after, when the fight was, standing neer a great piece of ordinance in the fields. And he further saith that he saw the King in the second Newbury fight, in the head of his Army, being after or about Michelmas 1644. And he further saith that he saw a great many men slain at both battles. And he further saith that he saw the Kinge in the head of his Army near Cropredy Bridge in the year 1644. And he further saith that he saw the Kinge in the head of his Army in Cornwall neere Lestithiel, while the Ea. of Essex lay there with his forces about the middle of harvest 1644.

George Cornewell of Aston, in the county of Hereford, ferryman, aged 50 years or thereabouts, sworne and examined, saith that he this depont did see the Kinge neer Cropredy bridge, about the time of mowing of corn 1644, in the van of the Army there, and that he drew up his Army upon a hill and faced the Parliaments Army. And that there was thereupon a skirmish between the Kings and the Parliaments Army where hee this depont saw divers persons slain on both sides.

The Examinacon of Henry Gooch of Grays Inn in the County of Middlesex, gent, sworne and examined. This depont saith that upon or about the 30th day of September last, he this depont was in the Isle of Wight, and had access unto and discourse with the King, by the meanes of the Lord Marquis of Hertford and Commissary Morgan, Where this depont told the Kinge that his Majesty had many friends, and that since his Majesty was pleased to justify the Parliaments first taking up armes, the most of the presbyterian party, both soldiers and others would stick close to him. To which the Kinge answered thus. That he would have all his old friends know that though for the present he was contented to give the Parliament leave to call their own war what they pleased, yet that he neither did at that time, nor ever should, decline the justice of his own cause. And this depont told the Kinge that his business was very much retarded and that neither Col. Thomas, nor any other, could proceed to action, through want of commission. The King answered that he, being upon a treaty, would not dishonour himself; but that if he, this depont, would take the paines to go over to the Prince, his son (who had full authority from him), he, the said depont, or any for him, should receive what soever commissions should be desired. And to that purpose he would appoynt the Marquis of Hertford to write to his son in his name, and was pleased to express much joy and affection that his good subjects would engage themselves for his restoration.

Robert Williams of the parish of St. Martins in the County of Cornwall, husbandman, aged 23 years or thereabouts, sworne and examined saith that he this depont did see the King marching in the head of his Army about September 1644, a mile from Lestithiel in Cornwall in armour, with a short coat over it unbuttoned. And this depont further saith that he saw him after that in St. Austell Downs, drawing up his army. And this depont saith he did after that see the Kinge in the head of his Army neere Foy and that the Ea. of Essex and his Army did then lie within one mile and a half of the Kings Army.

The Witnesses being examined as aforesaid the Court adjourned for an hour.

King Charles I.

Jan 25° 1648 post meridiem.

Commissioners present.

John Bradshaw, Seriant at Lawe Lord President of this Court.	
Daniell Blagrave Esq.	Thomas Pride
Sir Tho. Mallevery Bar.	Rich. Deane
John Okey	John Fry
Adrian Scroope	Cornelius Holland
Henry Martin	John Blackeston
John Carey	Thomas Harrison
Anthony Stapley	Sir Hardres Waller Knt.
Tho. Horton	Robert Lilburne
John Hughson	John Venn
Sir Michell Livesley Bar.	John Downes
Sir Will. Constable Bar.	Robt. Tichborne
Owen Roe	Houmfrey Edwards
John Berkstead	Perigrine Pelham
Sir John Bourcher Knt.	Peter Temple
Sir John Davers	James Temple
Tho. Scott	Sir Henry Mildmay Knt.
Edmund Whaley	Vincent Potter
John Moore	John Jones
Tho. Waite	Will Cawley
Oliver Cromwell	Valentine Wauton
Will Purefoy	Isaack Ewers
Will Goffe	Sir Gregory Norton Bar.

Richard Price, of London, scrivener, was produced a witness to the charge against the Kinge. Who, being sworne and examined saith that upon occasion of some tampering by the Kings agents with the independents in and about London, to draw them from the Parliaments cause to the Kings party, and this being discovered by some of those so tampered with, unto sundry members of the Committee of Safety, who directed the carrying on of a seeming compliance with the Kinge. He, this depont did travel to Oxford in January 1643, having a safe conduct under the Kings Hand and Seal, which, he this depont knoweth to be so, for that the King did own it when he was told that this depont was the man that came to Oxon with that safe conduct. And this depont also saith that after sundry meetings between him and the Ea. of Bristol, about the drawing of the independents to the Kings cause against the Parliament, the substance of the discourse at which meetings, the said Earl told this depont was communicated to the Kinge; he this depont was by the said Earl brought to the Kinge to confer further about that business. Where the Kinge declared that he was very sensible that the independents had been the most active men in the Kingdom, for the parliament against him. And thereupon persuaded this depont to use all meanes to expedite their turning to him and his cause. And for their better incouragement the Kinge promised in the word of a kinge. That if they, the independents would turne to him and be active for him against the Parliament, as they had been active for them against him, then he would grant them whatsoever freedom they would desire. And the King did then refer this depont to the Ea. of Bristol, for the further prosecuting of the said businesse. And the said Ea. thereupon (this depont being withdrawne from the Kinge) did declare unto this depont and willed him to impart the same unto the independents for their better incouragement. That the Kings affairs prospered well in Ireland. That the Irish subjects had given the rebels (meaning the Parliaments forces) a great defeat. That the King had sent the Lord Byron with a small party towards Cheshire and that he was greatly multiplied and had a considerable

Text of "Bradshaw's Journal."

army and was then before Namptwich [Nantwich] and would be strengthened with more souldiers out of Ireland which were come and expected daily. And when the deponent was about to depart out of Oxford, four safe conducts with blanks in them, for inserting of what names this deponent pleased were delivered unto him, under the Kings hand and Seal. And one Ogle was sent out of Oxon with this deponent to treat about the delivering up of Alisbury [Aylesbury] to the Kinge, it having then a garrison for the Parliament, and at the same tyme Oxford was a garrison for the Kinge.

Severall papers and letters of the Kings, under his own hand, and of his own writing, and other papers, are produced in evidence against him and read in open Court.

Mr. Thomas Chaloner, also reporteth severall papers and letters of the Kings writing and under the Kings own hand in evidence against him.

After that the Court satte private.

The Court taking into consideration the whole matter in charge against the Kinge, passed these votes following, as preparatory to the sentence against the Kinge, but ordred that they should not be binding finally to, conclude the Court (viz.)

Resolved, upon the whole matter, that this Court will proceed to sentence of condemnation against Charles Stuart, Kinge of England. Resolved, that the condemnation of the Kinge shall be for a tyrant, traitor and murderer, that the condemnation of the Kinge shall be likewise for being a public enemy to the commonwealth of England. That this condemnation shall extend to death.

Memorandum. That the last afore-named commissioners were present at these votes.

The Court being then moved concerning the deposition and deprivation of the Kinge, before, and in order to that part of his Sentence which concerned his execution, thought fit to defer the consideration thereof to some other time.

And ordered the draught of a sentence grounded upon the said votes to be accordingly prepared by Mr. Scott, Mr. Martin, Col. Harrison, Mr. Lisle, Mr. Say, Commissary Generall Ireton and Mr. Love, or any three of them, with a blanke for the manner of his death.

Ordered that the members of this Court who are in or about London and are not now present be summoned to attend the service of this Court to-morrow, at one o-clocke in the afternoon; for whom summonses were issued forth accordingly.

The Court adiourned it selfe till the morrow at one-o-clok in the afternoone.

Veneris 26° Jan 1648 post merid.

Painted Chamber.

Three Proclamacons are made, the Court is called.

Commissioners present.

John Bradshaw, Seriant at Lawe, Lord President of this Court.

Oliver Cromwell } Esqrs.

Henry Ireton

Sir Hardres Waller

Valentine Wanton

Thomas Harrison

Edw. Whaley

Thomas Pride

Isaacke Ewer

Esqrs.

John Okey
John Hughson

John Carey

John Jones

Miles Corbett

Will. Goffe

Perigrine Pelham

John Moore

Esqrs.

King Charles I.

Tho. Lo. Gray of Grooby	
Sir John Davers	
Sir Henry Mildmay Knt.	
Will Heveningham	
Henry Martin	} Esqrs.
Will. Purefoy	
John Blackiston	
Gilbert Millington	
Sir W. Constable Bart.	
Edmund Ludlow	} Esqrs.
John Hutchinson	
Sir Michel Livesley Bar.	
Robert Tichborne	} Esqrs.
Owen Roe	
Adrian Scroope	
John Dixwell	
Simon Meyne	
Peeter Temple	
Thos. Waite	
Cornelius Holland	
Thomas Scott	
Francis Allen	
Richard Deane	

Will. Lo. Mounson	
Houmfrey Edwards	} Esqrs.
Thos. Wogan	
Sir Gregory Norton Bar.	
John Dove	} Esqrs.
John Venn	
William Cawley	
Anthony Stapley	
John Downes	
Thomas Horton	
Thomas Hamond	
John Lisle	
Nicholas Love	
Augustine Garland	
George Fleetwood	
James Temple	
Daniell Blagrove	
John Browne	
Henry Smith	
John Berkistead	
Sir J. Mallevery Bar.	
Vincent Potter Esq.	

The Court here satt private.

The draught of a sentence against the Kinge is, according to the votes of the 25th instant, prepared, and, after severall readings, debates and amendments by the Court thereupon

Resolved &c.

That the Court do agree to the sentence now read.

That the said Sentence shall be ingrossed.

That the Kinge be brought to Westminster to-morrow to receive the sentence.

The Court adiourned it selfe till the morrow at ten of the clocke in the morning to this place, the Court giving notice that they then intended to adiourn from thence to Westminster Hall.

Sabti 27° Jan 1648

Painted Chamber.

Three Proclamacons being made, the Court is called.

Commissioners present.

John Bradshaw, Seriant at Lawe, Lord President of this Court.	
Oliver Cromwell	} Esqrs.
Henry Ireton	
Sir Hardres Waller	
Valentine Wauton	} Esqrs.
Thomas Harrison	
Edward Whaley	
Thomas Pride	
Isacke Ewers	
Tho. Lo. Gray of Grooby	
Sir John Davers	
Sir Tho. Mallevery Bar.	
Sir John Bourcher Knt.	

John Hughson	} Esqrs.
Will. Goffe	
Cornelius Holland	
John Carey	
John Jones	
Miles Corbett	
Francis Allen	
Perigrine Pelham	
Thos. Chaloner	
John Moore	
William Say	
John Aldred	

Text of "Bradshaw's Journal."

Will Heveningham	}	Esqrs.
Henry Martin		
Will. Purefoy		
John Berkistad		
Mathew Tomlinson		
John Blackiston	}	Esqrs.
Gilbert Millington		
Sir Will. Constable Bar.		
Edmund Ludlow	}	Esqrs.
John Hutchinson		
Sir Michell Livesley Bar.		
Robert Tichborne	}	Esqrs.
Owen Roe		
Robert Lilborne		
Adrian Seroope		
Richard Deane		
John Okey		
Augustine Garland		
George Fleetwood		
James Temple		
Daniell Blagrove		
John Browne		

Henry Smith	}	Esqrs.
Houmfrey Edwards		
Gregory Clement		
Thos Wogan		
Sir Gregory Norton Bar.		
Edmund Harvey	}	Esqrs.
John Venne		
Thomas Scott		
Thomas Andrews		
Alderman of London.		
Will Cawley	}	Esqrs.
Anthony Stapley		
John Downes		
Thos. Horton		
Thos. Hamond		
John Lisle		
Nicholas Love		
Vincent Potter		
John Dixwell		
Simon Meyne		
Peter Temple		
Thos. Waite		

The Sentence agreed on and ordered by this Court the 26th to be ingrossed, being accordingly ingrossed, was read.

Resolved that the Sentence now read, shall be the sentence of this Court for the condemnation of the Kinge, which shall be read and published in Westminster Hall this day.

The Court hereupon considered of certain instructions for the Lo. President to manage the business of this day in Westminster Hall and ordered.

That the Lo. President doe manage what discourse shall happen between him and the Kinge, according to his discretion, with the advice of his two assistants.

And that in case the Kinge shall psist in excepting to the Courts jurisdiction, to let him know that the Court do still affirm their jurisdiction.

That in case the Kinge shall submitt to the jurisdiction of the Court and pray a copy of the charge, that then the Court do withdraw and advise.

That in case the Kinge shall move anything else worth the Courts consideration, the Lo. President upon the advice of his two assistants do give order for the Courts withdrawing to advise.

That in case the Kinge shall not submitt to answer, and there happen no such cause of withdrawing, that then the Lo. President do command the said sentence to be read. But that the Lo. President should hear the King say what he would before the Sentence but not after.

And, thereupon, it being further moved whether the Lo. President should use any discourse or speeches to the Kinge, as in the case of other prisoners to be condemned was usual before the publishing of the Sentence, received generall directions to doe therein as hee should see cause, and to press what he should consider most seasonable and suitable to the occasion. And it was further directed that after the reading of the sentence, the Lo. President should declare that the same was the Sentence, Judgment and Resolution of the whole Court, and that the commissioners should thereupon signify their consent by standing up.

The Court forthwith adiourned it selfe to Westminster Hall.

King Charles I.

(27th Jan. 1648. Proceedings after the public meeting
in Westminster Hall.)

Paynted Chamber.

Commissioners present.

John Bradshaw, Seriant at Lawe, Lo. President.

John Lisle
Will Say
Oliver Cromwell
Henry Ireton
Thomas Harrison
Edward Whaley
Thomas Pride
Isacke Ewer
Sir Hardres Waler, Knt.
Thomas Lo. Gray of Grooby
Sir John Davers Knt.
Sir Tho. Malevery Bar.
Sir John Bourcher Knt.
Isacke Pennington

Esqrs.

Alderman of the City of London

Thomas Waite
Will. Heveningham
John Downes
Henry Martin
John Berksted
Mathew Tomlinson
Gilbert Millington
John Blackston
Sir Will. Constable Bar.
Sir Michell Livesley Bar.
John Hutchinson
Robt. Tichborne
Nicholas Love
Owen Rowe
Robt. Lilborne
Edmund Ludlowe

Esqrs.

Esqrs.

Adrian Scroope
Richard Deane
John Okey
Symon Meyne
John Hughson
Will. Goff
Cornelius Holland
John Carey
John Jones
Miles Corbett
Francis Allen
Perigrine Pelham
Thomas Chaloner
John Moore
John Aldred
Henry Smith
Thomas Edwards
Gregory Clement
Thomas Wogan
Sir Gregory Norton Bar.
John Venn
Tho. Scott
Edmund Harvie
Tho. Andrewes
Alder. of London
Will Cawley
Anthony Stapley
Tho. Horton
Thomas Hamond
Augustine Garland
John Dixwell
James Temple
Peter Temple
Daniell Blagrove

Esqrs.

Esqrs.

Esqrs.

Sir Hardres Waller, Col. Harrison, Commissary Generall Ireton, Col. Deane and Col. Okey are appoynted to consider of the tyme and place for the execution of the sentence against the Kinge, and then

The Court adiourned it selfe till Munday morning at eight of the clocke to this place.

Painted Chamber. Lunae Jan 29° 1648.

Three Proclamacons made.

Commissioners present were

Lo. President

Oliver Cromwell
Henry Ireton
Sir Hardres Waller Knt.
Valentine Wauton Esq.

Esqrs.

Sir Michell Livesley Bar.
Robt. Tichborne
Owen Roe
Adrian Scroope

Esqrs.

Text of "Bradshaw's Journal."

Thomas Harrison	}	Esqrs.
Edward Whaley		
Thomas Pride		
Isaake Ewer		
Richard Ingolsby		
Tho. Lo. Gray of Grooby		
Sir John Davers		
Sir Tho. Mallevery Bar.		
Sir John Bourcher Knt.		
Henry Martin	}	Esqrs.
Will. Purefoy		
John Berkested		
John Blackiston		
Gilbert Millington		
Sir Will. Constable Bar.		
Edmund Ludlowe		
John Hutchinson	}	Esqrs.
Peter Temple		
Daniell Blagrove		
Symon Meyne		

Richard Deane	}	Esqrs.
John Okey		
John Hughson		
Will. Goffe		
John Jones		
Francis Allen		
Perigrine Pelham		
John Anlabay		
Will Say		
Henry Smith		
Houmfrey Edwards		
John Venn		
Thomas Scott		
Will Cawley		
Thomas Horton		
John Lisle		
Nicholas Love		
Vincent Potter		
Augustine Garland		
John Dixwell		
James Temple		

Upon report made from the Committee for considering of the tyme and place of the executing of the judgment against the Kinge, that the said Committee have resolved that the open streete before Whitehall is a fitt place and that the said committee consider it fitt that the Kinge be there executed the morrow, the Kinge having already notice thereof. The Court approve thereof and ordered a warrant to be drawne for that purpose. Which said warrant was accordingly drawne and agreed unto and ordered to be ingrossed. Which was done and signed and sealed accordingly, as followeth (viz.)

At the High Court of Justice for the
trying and judging of Charles Stuart
Kinge of England Jan 29^o 1648.

Whereas Charles Stuart, Kinge of England, is and standeth convicted attainted and condemned of High Treason and other High Crimes. And sentence upon Saturday last was pronounced against him by this Court, to be put to death by the severing of his heade from his body. Of which sentence Execucon yet remains to be done. These are therefore to will and require you to see the said sentence executed in the open streete before Whitehall upon the morrow, being the thirtieth day of this instant moneth of January between the houres of tenne in the morning and five in the afternoone of the same day with full effect. And for so doing this shall be your sufficient warrant. And theise are to require all officers and souldiers and other the good people of this nation to be assisting unto you in this service. Given under our handes and seales.

To Col. Francis Hacker, Col. Huncks and Leivetent Col. Phray (sic) and to every of them.

Sealed and subscribed by

John Bradshaw
Tho. Gray
Oliver Cromwell
Edmund Whaley
M. Livesley
Jo. Okey
J. Davers

Vincent Potter
Will. Constable
Rich. Ingolsby
Will Cawley
J. Barkested
Isack Ewer
John Dixwell

King Charles I.

Jo. Bourcher
H. Ireton
Tho. Mallevery
John Blackiston
J. Hutchinson
Will. Goffe
Tho. Pride
Peter Temple
Tho. Harrison
J. Hughson
Hen. Smith
Per. Pelham
Rich. Deane
Robert Tichborne
Houmfrey Edwards
Daniell Blagrove
Owen Rowe
Will Purefoy
Ad. Scroope
James Temple
A. Garland
Ed. Ludlow
Hen. Martin

Valentine Wauton
Symon Meyne
Tho. Horton
John Jones
John Moore
Har. Waller
Gilbert Millington
G. Fleetwood
Jo. Alured
Robt. Lilburne
Will Say
Anth. Stapley
Gre. Norton
Tho. Chaloner
Tho. Wogan
Jo. Venn
Gre. Clement
John Downes
Tho. Waite
Tho. Scott
Jo. Carew
Miles Corbett

It was ordered that the officers of the ordinance within the towre of London, or any other officers or officer of the store within the towre of London, or any other officers within the said towre in whose hands or custody the bright execution ax for the executing malifactors is, doe forthwith deliver unto Edward Dendy Esqr, Seriant at Armes attending this Court or his deputy or deputies, the said axe and for theire or either of theire soe doing this shall bee theire warrant.

Directed to Col. John White
or any other officer within the towre
of London whom it concerneth.

The Court adiourned till to-morrow morning at nine of the clocke.

Painted Chamber.

Mercurii (sic) 30^o Jan 1648.

The Commissioners mett.

Ordered that Mr. Marshall, Mr. Nye, Mr. Caryll, Mr. Salwey and Mr. Dell bee desired to attende the Kinge, the administer to him those spirituall helpes as should bee suitable to his psent condition. And Lieutenant Col. Goffe is desired forthwith to repaire unto him for that purpose.

Who did soe, but after informed the Court that the Kinge being acquainted herewith refused to conferr with them, expressing that hee would not be troubled with them.

Ordered that the scaffold upon which the Kinge is to be executed bee covered with blacke.

The Warrant for executing the Kinge being accordingly delivered to those pties to whom the same was directed, Execucion was done upon him, according to the tenor of the said warrant, about two of the clocke in the afternoone of the said 30th of January.

Text of "Bradshawe's Journal."

Painted Chamber.

The Commissioners of the High Court of Justice mett January 30th 1648 post meridiem.

Col. Hughson
Col. Okey
Mr. Carey
Col. Deane
Mr. Holland

Col. Wauton
Col. James Temple
Col. E. Ludlowe
Mr. Allen
Mr. Meyne

Mr. Scott
Col. Rowe
Col. Tychborne

They or any foure of them shall have powre and are hereby appoynted a committee to issue forth theire warrants under five of theire hands to Captain John Blackwell, for disbursing and payment of such summes of money as they shall thinke fitt, for the service of this Court, upon such bills as they shall allow. And to take particular accompt of the monies already disbursed, and to bee disbursed, for the service of this Court. And to make report thereof to this Court, and are to meete in the Queenes Court on Thursday at nine in the morning. And the care hereof is ptcularly referred to Col. Tichborne. They thereupon adiourne till the morrow.

Painted Chamber.
The Commissioners being mett.

Feb 1^o 1648

Leutenant Col. Goffe
Col. Ewers
Col. Pride

Sir Hardres Waller together with the rest of the Committee of Accompts, or any three or two of them are appoynted and desired to take the examination of William Evans gent, and of all others that shall be apprehended for any words or actions spoken or done against this Court, and to peruse all such papers, letters or writings that shall be found with or about the said persons and to make report thereof to the Court. And the Committee above mentioned are added to the Committee of accompt. And thereupon adiourne till the morrow.

Painted Chamber.
The Commissioners being mett.

Feb 2^o 1648

Ordered that Captaine Blackwell shall issue forth such monies as shall be requisite for satisfaction of all contingent charges not yet satisfied, in relation to the trying, judging and execution of Charles Stuart late Kinge of England according to such warrant as hee shall receive from the Committee appoynted to take the Accomptes of the monies disbursed for the service of this Court. And the said Gentlemen are desired to meete at Whitehall to-morrow morning, and take an exact accompt from the said Captaine Blackwell of the monies by him disbursed.

John Hall was brought before this Court upon information that hee should be ingaged in a design against this Court. Who being examined concerning the same, and Thomas Morris, Will Hitch and Thomas Baxter, witnesses pduced against him being sworne and examined, the said John Hall was committed to the custody of the Marshall Generall of the Army.

One Mr. Nelson and Mr. Evans were likewise brought before this Court, upon an enformation exhibited against them of a practise and designe that

King Charles I.

they were ingaged in against this Court. And John Minshaw, Mary Minshaw, John White and John Heydon, clerke were sworne and gave evidence against them. Ordered that the said Evans and Nelson Are committed to the custody of the Marshall Generall of the Army. And Col. Moore is desired to acquaint the Howse herewith.

The Lo. President moved the Court that in regard the Courts Commission is now determining, care may be likewise taken for a sufficient remuneration for the guards that have so freely and cheerfully attended the Lo. President and this Court.

Col. Tichburne reports from the Committee appoynted for that purpose, that the said Committee have considered of a gratuity to be given unto the respective officers and attendants of this Court. Of which allowances this Court doth approve and desire Col. Harrison to move the Howse for monies to satisfie the same and all other charges of this Court.

Mr. Garland
Commissary General Ireton
Mr. Lisle

Mr. Martin
Sir Hardres Waller
Mr. Scott and Mr. Say

The aforesaid members of this Court are ordered on behalf of the Court, to peruse and consider the whole narrative of the pceedings of the Court and to ppare the same to be psented to the Howse of Commons. Who are for that purpose to meet at the Lo. President his lodging to-morrow morning at nine of the clocke and endeavour the dispatch of the whole businesse, so as it may be in readiness to be tendered to the Howse, on Munday morning next [the fifth]. And such other members of this Court as shall please to take paines herein are for that purpose to repair to the said meeting place to give theire assistance in the pmisses. And Mr. Say is desired thereupon to present the same to the Howse.

The aforesaid Committee are likewise to take notice of the informations already given to the said Court touching the abusive and threatening language used against the Court and members thereof and to ppare an enformation and accompt to the Howse of Comons thereof. And Col. Berkested and Col. Moore are added to the said Committee. And the said Committee are likewise desired to take what further information shall bee given against those that threaten, practice or design any evill against this Court or the Lo. President or any the member thereof.

An order of the Howse of Commons is produced whereby it is referred to this Court to consider of what satisfaction shall be given to the Kings servants and gentlemen that guarded him at Windsor for their said service. This Court doe referr the Care thereof to the Committee appoynted to consider of the satisfaction to be given to the officers of this Court. And Col. Tomlinson is added to the said committee.

Thus in obedience to the highest court, by whose powre wee have thus acted. Wee have faithfully with the best diligence wee could use, upon conference with our clerks, notes collected and put togeather, these memorials of our proceedings from the first to the last. Which we herewith tender to the consideration of this supreme court, to be disposed of as to the same shall seem meete. To whose judgment the whole is (as it ought to bee) by us submitted.

Andr. Broughton } Clerks of
Jo. Phelps } the Courts
proceedings

Protest against the High Court's Jurisdiction.

APPENDIX B.

HIS MAJESTIES REASONS AGAINST THE PRETENDED JURISDICTION OF THE HIGH COURT OF JUSTICE, WHICH HE INTENDED TO HAVE DELIVERED IN WRITING ON MONDAY, JAN. 22, 1648/9 BUT WAS NOT PERMITTED.

(Published on 5th February, 1649. Thomason Tract, 669, f. 13 (81).)

Having already made my protestations not only against the illegality of this pretended court, but also that no earthly power can justly call me, who am your king, in question as a delinquent; I would not any more open my mouth upon this occasion, more than to refer myself to what I have spoken, were I in this case alone concerned. But the duty I owe to God in the preservation of the true liberty of my people will not suffer me at this time to be silent. For, how can any free-born subject of England call life, or anything he professeth his own, if power without right daily make new, and abrogate the old and fundamental law of the land, which I now take to be the present case. Wherefore when I came hither, I expected that you would have endeavoured to have satisfied me concerning these grounds which hinder me to answer to your pretended impeachment. But since I see that nothing I can say will move you to it (though negatives are not so naturally proved as affirmatives) yet I will show you the reason why I am confident you cannot judge me, nor indeed the meanest man in England, for I will not (like you), without showing a reason, seek to impose a belief upon my subjects.

[A marginal note states, "Hereabout I was stopt and not suffered to speak any more concerning reasons." It follows, therefore, that the above portion of this was actually spoken by the King, although it does not appear in "Bradshawe's Journal."]

There is no proceeding just against any man but what is warranted either by God's laws or the municipal laws of the country where he lives. Now I am most confident this daies proceedings cannot be warranted by God's law, for, on the contrary, the authority of obedience unto Kings is clearly warranted and strictly commanded, both in the Old and New Testament, which, if denied, I am ready instantly to prove. And, for the question now in hand, there it is said that "where the word of a king is, there is power, and who may say unto him 'What doest thou?'" Eccl. 8. 4. Then for the law of this land, I am no less confident that no learned lawyer will affirm that an impeachment can lie against the King, they all going in his name. And one of their maxims is that "The King can do no wrong." Besides the law upon which you ground your proceedings must either be old or new; if old, shew it. If new, tell what authority warranted by the fundamental laws of the land hath made it, and when. But how the House of Commons can erect a court of judicature, which was never one itself (as is well known to all lawyers) I leave to God and the world to judge. And it were full as strange that they should pretend to make laws without King or Lords house, to any that have heard speak of the Laws of England.

King Charles I.

And admitting, but not granting, that the people of England's Commission could grant your pretended power, I see nothing you can shew for that. For certainly you never asked the question of the tenth man in the kingdom. And in this way you manifestly wrong even the poorest ploughman, if you demand not his free consent. Nor can you pretend any colour for this your pretended commission without the consent at least of the major part of every man in England, of whatsoever quality or condition, which I am sure you never went about to seek, so far are you from having it. Thus you see I speak not for my own right alone, as I am your King, but also for the true liberty of all my subjects, which consists not in the power of government but in living under such laws, such a government as may give themselves the best assurance of their lives and the propriety of their goods. Nor in this must or do I forget the privileges of both Houses of Parliament, which this days proceedings do not only violate, but likewise occasion the greatest breach of their publick faith that (I believe) ever was heard of, with which I am far from charging the two houses, for all the pretended crimes laid against me bear date long before this late treaty at Newport. In which I having concluded as much as in me lay and hopefully expecting the Houses agreement thereunto, I was suddenly surprised and hurried from thence as a prisoner. Upon which account I am against my will brought hither; where, since I am come, cannot but to my power defend the ancient laws and liberty of this Kingdom, together with my own just right. Then, for anything I can see the higher House is totally excluded. And for the House of Commons, it is too well known that the major part of them are detained or deterred from sitting, so as if I had no other this were sufficient for me to protest against the lawfulness of your pretended court. Besides all this the peace of the Kingdom is not the least in my thoughts and what hopes of settlement is there so long as power reigns without rule or Law, changing the whole frame of that government, under which this Kingdom hath flourished for many hundred years (nor will I say what will fall out in case this lawless unjust proceeding against me do go on) and believe it the Commons of England will not thank you for this change, for they will remember how happy they have been of late years under the reign of Queen Elizabeth, the King my father, and myselfe, until the beginning of these unhappy troubles, and will have cause to doubt that they shall never be so happy under any now. And by this time it will be too sensibly evident, that the arms I took up were only to defend the fundamental laws of the Kingdom against those who have supposed my power hath totally changed the ancient government.

Thus, having showed you briefly the reasons why I cannot submit to your pretended authority without violating the trust which I have from God for the welfare and liberty of my people, I expect from you either clear reasons to convince my judgment, shewing me that I am in error (and then truly I will answer) or that you will withdraw your proceedings.

This I intended to speak in Westminster Hall, on Monday, 22 Januar, but against reason was hindered.

Cook's "Speech" against the King.

APPENDIX C.

KING CHARLS, HIS CASE,

OR, AN

APPEAL

To all rational men

Concerning his

Tryal

at the

High Court of Justice

Being for the most part that which was intended to have been delivered at the Bar, if the King had pleaded to the Charge and put himself upon a fair Tryal.

With an additional opinion concerning the death of King James, the loss of Rochel, and the blood of Ireland.

By John Cook of Grays-Inn Barrester.

Justice is an excellent virtue

Reason is the life of the Law

Womanish pity to mourn for a tyrant

Is a deceitful cruelty to a City.

London, Printed by Peter Cole, at the sign of the Printing Press in Cornhil, near the Royal Exchange, for Giles Calvert, at the Black Spread-Eagle, at the West End of Pauls. 1649.¹

To the Reader.

The righteous judge, whose judgment is not only inevitable, but infallible, must shortly judge me and all that concurred to bring the capital delinquent to condign punishment. But, in the interim, I desire to be judged by all understanding men in the world, that suffer their judgments

¹ Thomason Tract E.542 (3), published according to that collector's note on 9th February, 1649. Giles Calvert and his wife Elizabeth were with others the publishers of some highly important seditious frauds after the Restoration. The first being the "Speeches and Prayers" of the regicides (first published 1st December, 1660), and the second "A Dying fathers last legacy to an only child," advertised at the end of the first book and professing to have been compiled by Hugh Peters, but the preface to which is initialled "G.F..N.B." Calvert died in August, 1663, in prison, and his widow in 1674. She was continually in trouble for printing seditious tracts. See more of those fraudulent documents in "Notes and Queries," Eleventh Series vii., 304, 341, 383, 442, 502, viii., 22, 81, 122, 164, 202, 242, 284, 324, and 361—a series of articles on the "Forged Speeches and Prayers of the Regicides." The dates of death and wills of Giles and Elizabeth Calvert were noted in "Notes and Queries," Eleventh Series x. 267.

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to be swayed by reason, and not byassed by private interest, whether ever any man did so deserve to dye. Cain for the murther of one righteous Abel, and David, for one Uriah, had been men of death had not God pardoned them. Those thirty one kings which Joshua hanged up, and Sauls seven sons which were but at the worst (as it seems to me) evill counsellors, were they not innocent, nay, Saints, in comparison of this man? Those that crucified Christ did it ignorantly, for had they known him, they had not crucified the Lord of Glory. The Saints under the ten persecutions suffered by the hands of heathens : the Sicilian Vespers, the Parisian massacre of the Protestants, the Gunpowder Plot, were acted and intended by Papists out of a conceit of merit. But for a Protestant prince, stiled, the Defendor of the Faith, in a time of light, that had sworn to keep the peace, received tribute to that end, and might have had the very hearts of the people, if they could have given him them without death (the strongest engagements) I say, for such a one so long to persecute the faithful, destroy and enslave the people by oppressing cruelties. And when Machiavel could not do it, to levy a war to that wicked end, which never any of his ancestors durst attempt, that might at any time with a word of his mouth have stopt all the bleeding veins in the three kingdoms, but would not; and for the satisfying of a base lust caused more Protestant blood to be shed than ever was spilt, either by Rome, heathen or antichristian. Blessed God, what ugly sins lodge in their bosoms that would have had this man to live! But words are but women, proofs are men; it is reason that must be the chariot to carry men to give their concurrence to this judgment. Therefore I shall deliver my thoughts to the courteous reader, as I was prepared for it, if issue had been joyned in the cause, but with some addition for illustration sake, desiring excuse for the preamble, because there is some repetition in matter.

An Appeal to all Rational men that
love their God, Justice and Countrey
more then their Honor, Pleasure
and Monēy.

Concerning the Kings Tryal.

May it please your lordship.

My lord president and this high court, erected for the most Comprehensive, Impartial and Glorious piece of Justice that ever was acted and Executed upon the Theatre of England, for the Trying and Judging of Charls Stuart, whom God in his wrath gave to be a King to this nation, and will, I trust, in great love, for his notorious Prevarications and Blood guiltiness take him away from us. He that hath been the original of all injustice and the principal author of more mischiefs to the free born people of this nation, then the best arithmatician can well estimate, stands now to give an account of his stewardship and to receive the good of justice, for all the evil of his injustice and cruelty. Had he ten thousand lives they could not satisfie for the numerous horrid and barbarous massacres of myriades and legions of innocent persons, which, by his commands, commissions and procurements (or at least all the world must needs say, which he might have prevented; and he that suffers any man to be kill'd, when he may save his life without danger of his own, is a murtherer) have been cruelly slain and inhumanely murdered in this renowned Albion. Anglia hath been made an Akeldania and her younger sister Ireland a land of ire and misery. And yet this hard-hearted man, as he went out of the court,

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down the stairs, Jan. 22 said (as some of his guard told me and others) that he was not troubled for any of the blood that hath been shed but for the blood of one man (peradventure he meant Strafford). He was no more affected with a list that was brought into Oxford of five or six thousand slain at Edgehill then to read one of Ben Johnsons tragedies. You gentlemen royalists that fought for him, if ye had lost your lives for his sake, you see he would have no more pitied you by his own confession than you would do a poor worm. And yet what heart but would cleave, if it were a rock, melt, if it were ice, break, if it were flint, or dissolve, if it were a diamond, to consider that so much precious Protestant blood should be shed in these three Kingdoms, so many gallant, valiant men of all sorts and conditions, to be sacrificed and lose their lives, and many of them to die so desperately in regard of their eternal conditions, and all this meerly and onely for the satisfying and fulfilling of one man's sinful lust and wicked will. A good shepherd is he that lays down his life or ventures it to save the sheep, but for one to be so proudly wedded to his own conceits as so maliciously to oppose his own private opinion against the publique judgment and reason of state, and to make head against the Parliament, who acknowledged him to be head thereof, so far as to give him the honor of the Royal assent, in settling the Militia and safety of the people. I say, for a Protestant Prince, so beloved at home and feared abroad, that in love and by gentle means might have had anything from the Parliament, for him to occasion the shedding of so much blood for a pretended prerogative, as hereafter will appear nothing in effect but to fix and perpetuate an absolute tyranny. I can say no less but 'O Lucifer, whence art thou fal'n and what hereticks are they in politicks that would have had such a man to live'? Much more that think his Action to have merited love and praise from Heaven and Earth. But now to dissect the charge.

1. That the Kings of England are trusted with a limited power to govern by law, the whole stream and current of legal authorities run so limpid and clear, that I should but weary those that know it already and trouble those that need not know the particular cases. For it is one of the fundamentals of law, that the King is not above the law, but the law above the King. I could easily deraign it from 1 Edward 3 to the jurisdiction of courts, that the King has no more power or authority then what by law is concredited and committed to him. But the most famous authority is Fortescue, Chancellor to H.6 (and therefore undoubtedly would not clip his masters prerogative) who most judiciously takes a difference between a government wholly regal and seignoral, as in Turkey, Russia, France, Spain, etc., and a Government politique and mixt, where the law keeps the beam even between sovereignty and subjection, as in England, Denmark, Swede and Poland. The first, where the edict of a prince makes the law, resembles an impetuous inundation of the waters, whereby the corn and hay and other fruits of the earth are spoiled; the latter is like a sweet smooth stream, running by the pleasant fields and meadows. That by the law of England the King ought not to impose anything upon the people, or take anything away from them to the value of a farthing, but by common consent in Parliaments or national meetings. And that the people of common right and by several statutes ought to have Parliaments yearly, or oftner if need be, for the redress of publique grievances, and for the enacting of good and wholesome laws and repealing of old statutes of Omeri² which are prejudicial

² This is as it is printed. "State Trials" converts this word into "Oneri."

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to the nation. And that the King hath not so much power by law as a justice of peace, to commit any man to prison for any offence whatsoever, because all such matters men committed to proper courts and officers of justice. And if the King by his verbal command send for any person to come before him, if the party refused to attend, and the messenger endeavouring to force him, they fell to blows, if the messenger killed the party sent for, this by the law is murder in him, but if he killed the messenger this was justifiable in him, being in his own defence, so as to sue forth a pardon of course. These and many other cases of like nature are so clear and well known that I will not presume to multiply particulars.

That the King took an oath at his coronation to preserve the peace of the nation, to do justice to all and to keep and observe the laws which the people have, himself confesses. And it was charged upon the late Archbishop that he emasculated the oath and left out very material words "Which the people shall chuse" [Marginal note. "1. Book of Ord. fol."] which he certainly durst not have done without the Kings special command.³ And it seems to me no light presumption that from that day he had a design to alter and subvert the fundamental laws, and to introduce an arbitrary and tyrannical government. But though there had been no oath, yet by special office and duty of his place, every King of England is obliged to act for the peoples good (he must needs be extream ignorant, malicious or a self-destroyer that shall deny it) so it is given forth for their preservation, nothing for their destruction, for a King to rule by lust and not by law is a creature that was never of Gods making, not of Gods approbation but his permission. And though such men are said to be Gods on Earth, 'tis in no other sence then the Devil is called the God of this world. It seems that one passage which the King would have offered to the court (which was not permitted him to dispute the supream authority in the nation, and standing mute, the charge being for high treason it is a conviction in law) was that 1 Sam. 8 is a copy of the King's commission, by vertue whereof he, as King, might rule and govern as he list, that he might take the peoples sons and appoint them for himself for his chariots, and to be his horsemen, and to take their daughters to be his confectionaries, and take their fields and vineyards and olive yards even the best of them and their goodliest young men and their asses, and give them to his officers and servants. Which, indeed, is a copy and patern of an absolute tyrant and absolute slaves, where the people have no more then the tyrant will afford them. The Holy Spirit in that chapter does not insinuate what a good King ought to be, but what a wicked King would presume to do. Besides Saul and David had extraordinary callings, but all just power is now derived from and conferred by the people. Yet in the case of Saul it is observable that the people, out of pride to be like other nations, desired a King, and such a King as the heathens had, which were all tyrants. For they that know anything in history know that the first four monarchs were all tyrants at first, til they gained the peoples consent. Nimrod the great hunter was Ninus that built Nineveh, the first tyrant and conqueror that had no title, and so were all kingdoms, which are not elective till the peoples

³ This is a wilful falsehood. Laud was accused of having omitted from the Coronation oath the following words: "Ac de faciendo per ipsum Dominum Regem eos esse protegendos et ad honorem Dei corroborandum quas vulgus juste et rationabiliter elegerit." But it was proved that the omission was of earlier date, and the words had been also left out of the oath taken by James I.

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subsequent consent. And though it be by descent, yet 'tis a continuation of a conquest till the people consent and voluntarily submit to a government; they are but slaves and in reason they may free themselves if they can. In France the King begins his reign from the day of his Coronation; the Archbishop asks the people if he shall be King, the twelve peers, or some that personate them, say 'Yes,' they girt the sword about him then he swears to defend the laws. - And is anything more natural then to keep an oath? And though vertuous Kings have prevailed with their people to make their Crownes hereditary, yet the coronation shews the shell that the Kernel hath been in. Samuel was a good judge and there was nothing could be objected against him, therefore God was displeased at their inordinate desire of a King. And it seems to me that the Lord declares his dislike of all such kings as the heathens were, that is, kings with an unlimited power that are not tied to laws. For he gave them a King in his wrath, therein dealing with them as the wise physitian with the dis-tempered and impatient patient, who desiring to drink wine, tells him the danger of inflammation, yet wine he will have and the Physitian considering that a little wine will do but little hurt, prescribes a little white wine; wherein the Physitian doth not approve his drinking of wine, but of two evils chooseth the least. The Jewes would have a King for Majesty and splendour, like the heathens. God permits this; he approves it not. It seems to me that the Lord renounces the very genus of such Kings as are mentioned and the old word "Conning" (by contraction King) does not signifie power or force to do what he will, but a knowing wise discrete man that opens the peoples eyes and does not lead them by the noses, but governe them with wisdom and discretion for their owne good. Therefore, Gentlemen-Royalists, be not so mad as to misconstrue, either the oaths of allegiance or supremacy, or any league or covenant⁴ that any man should swear to give any one leave to cut his throat. The true meaning is that the King of England was supreme in this land, in opposition to the Pope, or any other Prince or potentate, as the words of the oath do import that 'no foraigne State, Prince or Potentate' etc. In case of any foraigne invasion, the King was by law to be generalissimo, to command the people for their own safety. And so it was expounded by the Parliament in 13 Eliz., which for some reason of state was not permitted to be printed with the statutes.⁵ Besides God told these Kings whom he had formerly annoynted, what their duty was, not to exalt themselves overmuch above their bretheren, to delight themselves in the law of God. Out of which I infer that the Turkes, Tarters, Muscovites, French, Spaniards and all people that live at the beck and nod of tyrannicall men may and ought to free themselves from that tyranny, if and when they can. For such Tyrants that do so domineer with a rod of iron, do not governe by Gods permissive hand of approbation or benediction, but by the permissive hand of his Providence, suffering them to scourge the people, for ends best knowne to himself, untill he open out a way for the people to work out their owne enfranchisements.

But before I speak of the warre, it will be necessary for the satisfaction

⁴ Cook was on dangerous ground here, for all the Commissioners had taken the Covenant, and some, Bradshawe included, the oath of allegiance. The Covenant is set out below (Appendix F).

⁵ It does not appear in the list of statutes not printed, thirteen in number. Whether it was of any importance or relevancy to Cook's argument remains to be proved.

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of rationall men to open and prove the Kings wicked designe, wherewith he stands charged. Now that he had from the beginning of his raigne, such a designe and indeavour so to teare up the foundations of government that law should be no protection to any mans person or estate will clearly appear by what follows.

1. By his not taking the Oath so fully as his predecessors did, that so when the Parliament should tender good laws to him for the Royal assent, he might readily answer that he was not by oath obliged to confirm or corroborate the same.⁶

2. By his dishonourable and perfidious dealings with the People at his Coronation, when he set forth a Proclamation, that in regard of the infection then spread through the Kingdome, he promised to dispense with those Knights⁷ that by an old statute were to attend at a Coronation, who were thereby required not to attend, but did notwithstanding within few months afterwards take advantage of their absence and raised a vaste summe of money out of their estates at the Councel table, where they pleading the said Proclamation, for their justification, they were answered that the law of the land was above any Proclamation, like that tyrant that when he could not by law execute a virgin, commanded her to be deflored and then put to death.

3. By his altering the pattents and commissions to the judges, wch having heretofore had their places granted to them so long as they should behave themselves therein, he made them but during pleasure, so that if the judges should not declare the law to be as he would have it, he might with a wet finger remove them, and put in such as should not only say but swear if need were that the law was as the King would have it.⁸ For when a man shall give five or ten thousand pounds for a judges place during the Kings pleasure, and he shall the next day send to him to know his opinion of a difference in law between the King and a subject, and it shall be intimated unto him, that if he do not deliver his opinion for the King, he is likely to be removed out of his place the next day. Which, if so, he knows not how to live, but must rot in a prison for the money he borrowed to buy his place, as was well known to be some of their cases, who underhand and closely bought great places, to elude the danger of the statute. Whether this was not too heavy a temptation for the shoulders of most men to bear, is no hard matter to determine. So as upon the matter, that very act of his made the King at the least a potentiall tyrant, for when that shall be law, which a King shall declare himself, or which shall be declared by those whom he chooses, this brings the people to the very next step to slavery.

But that which does irrefragably prove the design was his restless desire to destroy Parliaments, or to make them useless. And for that who knowes not but that there were three or four national meetings in Parliament

⁶ This has already been disproved (*supra*, p. 236).

⁷ No proclamation of the kind is known. The Coronation took place on 2nd February, 1626, and the Coronation proclamation "to declare his Majesties pleasure touching his Royal coronation and the solemnitie thereof" is dated 17th January, 1625-6.

⁸ This is a travesty of the facts. On the 15th January, 1641, the King announced that from henceforth the judges should hold office "in good behaviour," and no longer at the pleasure of the Crown, as had previously been the case.

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in the first four years of his reign, which were called for supply to bring money into his coffers in point of subsidies, rather than for any benefit to the people, as may appear by the few good laws that were then made. But that which was most memorable, is the untimely dissolving of the Parliament in 4th Car, when Sir John Elliot and others (who managed a conference with the House of Peers concerning the Duke of Buckingham, who amongst other things was charged concerning the death of King James⁹) were committed close prisoners to the Tower, where he lost his life by cruel indurance. Which I may not passe over without a special animadversion, for sure there is no Turk or Heathen but will say that if he were not any way guilty of his fathers death, let him die for it. ●

I would not willingly be so injurious to the honest reader as to make him buy again that which he hath formerly met with in the Parliaments Declaration or elsewhere; in such a case a marginal reference may be sufficient. Nor would I herein be so presumptuous as to prevent anything that happily may be intended in any declaration for the more general satisfaction, but humbly offer a students mite which satisfies myself, with submission to better judgments.

How the King came to the Crown, God and his own conscience but knew. It was well known and observed at Court that a little before he was a professed enemy to the Duke of Buckingham [!]. But instantly upon the death of King James, took him into such special protection, grace and favour that upon the matter he divided the Kingdom with him. And when the Earl of Bristol had exhibited a charge against the said Duke, the 13 article whereof concerned the death of King James, he instantly dissolved that Parliament, that so he might protect the Duke from the justice thereof, and would never suffer any legal enquiry to be made for his fathers death. The Rabbines observe that that which stuck most with Abraham about Gods command to sacrifice Isaac, was this. 'Can I not be obedient, unless I be unnatural? What will the heathens say, when they heare I have killed my only son?' What will an Indian say to this case? A King hath all power in his hands to do justice. There is one accused upon strong presumption at the least for poisoning that Kings father. The King protects him from justice. Whether do you believe that he himself had any hand in his fathers death? Had the Duke been accused for the death of a begger, he ought not to have protected him from a judicial trial. We know that by law it is no less then misprision of treason to conceal a treason, and to conceal a murder, strongly implies a guilt thereof, and makes him a kind of accessary to the Fact. He that hath no nature to do justice to his own father, could it ever be expected that he should do justice to others? Was he fit to continue a father to the people, who was without natural affection to his own father? Will he love a Kingdom that showed no love to himself (sic) unless it was that he durst not suffer inquisition to be made for it? But I leave it as a riddle which at the day of judgment will be expounded and unridled, for some sinnes will not be made manifest till that day, with this only. That had he made the laws of God his delight and studied therein night and day as God commanded his Kings to do, or had he but studied Scripture half so much as

⁹ Buckingham was exonerated from the ridiculous charge of having poisoned James I., the only object of which in reviving it was to make it appear that he done so at the instigation of Charles I. This was expressed in the Commons declaration of 11th February, 1648.

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Ben Johnson or Shakespear,¹ he might have learnt, that when Amaziah was settled in the kingdom, he suddenly did justice upon these servants which had killed his father, Joash. He did not by any pretended prerogative excuse or protect them, but delivered them up into the hands of that Justice which the horridness of the fact did undoubtedly demerit. That Parliament⁴ Car proving so abortive, the King sets forth a proclamation that none should presume to move him to call Parliaments, for he knew how to raise monies enough without the help of Parliaments, therefore in 12 years refuseth to call any. In which interval and intermission how he had oppressed the people by incroachments and usurpations upon their liberties and properties, and what vast summes of money he had forceably exacted and exhausted by illegal patents and monopolies of all sorts. I referre the reader to that most judicious and full 'Declaration of the State of the Kingdom' published in the beginning of this Parliament. That judgment of Ship-money did upon the matter formalize the people absolute slaves, and him an absolute tyrant. For if the King may take from the people in case of necessity, and himself shall be judge of that necessity, then cannot any man say that he hath need of that 6d, then by law he must have it. I mean that great Nimrod, that would have made all England a forrest, and the people, which the Bishop call the sheep, to be his venison to be hunted at his pleasure.

Nor does the common objection, 'That the judges and evil counsellors, and not the King, ought to be responsible for such maleadministrations, injustice and oppression' beare the weight of a feather in the ballance of right reason. For 1. Who made such wicked and corrupt judges? Were they not his own creatures? And ought not every man to be accountable for the works of his own hands? He that does not hinder the doing of evil, if it lies in his power to prevent it, is guilty of it as a commander thereof. He that suffered these black starres to inflict such barbarous cruelties and unheard of punishments as brandings, slittings of noses etc. upon honest men, to the dishonour of the Protestant religion, and disgrace of the image of God shining in the face of man, he well deserv'd to have been so served. But 2. he had the benefit of these illegal fines and judgments. I agree that if a judge shall oppress I.S. for the benefit of I.D. the King ought not to answer for this, but the judge unless he protect the King against the complaint of I.S., and in that case to make himself guilty of it. But when an unjust judgment is given against I.S. for the Kings benefit, and the fine to come immediately into his coffers; he that receives the money must needs be presumed to consent to the judgment. But, 3., mark a Machiavel policy. 'Call no Parliaments to question the injustice and corruption of judges for the peoples relief. And make your own judges, and let that be law that they declare. Whether it be reasonable or unreasonable it is no matter?'

But then how came it to pass that we had any more Parliaments? Had we not a gracious King to call a Parliament when there was so much need of it? And to passe so many gracious Acts to put down the Starre Chamber, etc.? Nothing lesse. It was not any voluntary free act of grace, not the least ingredient or tincture of love, or good affection to the people that called the Short Parliament in I. But to serve his own turn

¹ Was this passage the origin of Milton's despicable gibe in "Eikonoclastes" that the "closest companion" of the King "in these his solitudes" was "William Shakespear"?

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against the Scots, whom he then had designed to enslave. And these seven Acts of grace which the King past, were no more then his duty to do, nor halfe so much but giving the people a take of their own grists, and he dissents with them about the Militia, which commanded all the rest. He never intended thereby any more good and security to the people then he that stealeth the goose leaves the feathers behind him. Thus it was—

The King being wholly given up to be led by the Counsels of a Jesuited Party, who indeavoured to throw a bone of dissention among us, that they might cast their net into our troubled waters and catch more fish. For St. Peters Sea [See?] perswaded the King to set up a new forme of prayer in Scotland, and laid the bait so cunningly that whether they saw it or not they were undone. If they saw the mystery of iniquity couched in it they would resist, and so merit punishment for rebelling. If they swallowed it, it would make way for worse. Well, they saw the poison and refused to taste it, the King makes warre, and many that loved honour and wealth more then God assisted him. Down he went with an Army, but his treasure wasted in a short time. Fight they would not for fear of an after reckoning. Some commanders propound that they should make their demands, and the King grants all, comes back to London and burnes the Pacification, saying it was counterfeit. They reassume their posts, he raises a second warre against them, and was necessitated to call a Parliament, offering to lay down ship-money for twelve subsidies. They refuse, the King in high displeasure breakes off the Parliament, and in a declaration commands them not to think of any more Parliaments, for he would never call another.

There was a King of Egypt that cruelly oprest' the people, they, poor slaves, complaining to one another, he feared a rising, and commanded that none should complain upon paine of cruell death. Spies being abroad, they often met, but durst not speake, but parted with teares in their eyes, which declared that they had more to utter, but durst not. This struck him to greater fears, he commanded that none should look upon anothers eyes at parting. Therefore their griefs being too great to be smothered, they fetched a deep sigh when they parted, which moved them to compassionate anothers wrongs, that they ran in and killed the tyrant. The long hatching Irish treason was now ripe, and therefore it was necessary that England and Scotland should be in combination, least we might help the Irish Protestants. Well, the Scots get Newcastle, he knew they would hurt him no more, he had so often broke with them. Therefore, no hopes to get them out by a treaty. Many Lords and the City petition for a Parliament, the King was at such a necessity that yield he must to that which he most abhorred. God had brought him to such a strait, he that a few months before assumed the power of God, commanding men not to think of Parliaments, to restraine the free thoughts of the heart of man, was constrained to call one, which they knew he would break off when the Scots were sent home. Therefore got a confirmation of it, that he should not dissolve it without a consent of both Houses, of which he had no hopes; or by force, which he suddenly attempted. And the English Army in the North was to have come up to confound the Parliament and this rebellious and disloyal City, as the King called it, and for their paines was promised thirty thousand pounds and the plunder, as by the examinations of Colonel Goring, Legge etc. doth more fully appeare.

And here by the way I cannot but commend the City malignants. He calls them rebels; they call him a gracious King. He by his Proclamation

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at Oxford prohibits all commerce and intercourse of trade between this populous City (the life and interest whereof consists in trade, without which many thousands cannot subsist) and other parts of the Kingdom. Still they do good against evill, and petitioning him so often to cut their throats, are troubled at nothing so much as they are not reduced to that former and a worse bondage then when there was a Lord Warden made in the City [Marginal note: "Darlingrubb"] and the King sent for as much of their estates as he pleased. But surely the Oxfordshire men are more to be commended, for, when the King had commanded by his Proclamation [Marginal note: "15 April 20 Car"] that what come, hay and other provisions in the county of Oxford could not be fetcht into the said City for his Garrison, should be consumed and destroyed by fire, for fear it should fall into the hands of the Parliaments friends. A cruelty not to be presidented [precedented] amongst the most avowed and professed enemies, much less from a King to his subjects. They resolved never to trust him more.

But the great question will be. What hath been the true ground and occasion of the War? Which, unless I clear, and put it out of question, as the charge imports, I shall fall short of what I chiefly aym at, viz., 'That the King set up his standard of war, for the advancement and upholding of his personal interest, power and pretended prerogative against the publique interest of Common right, peace and safety.' And thus I prove it.

1. He fought for the Militia by Sea and Land, to have it at his absolute dispose, and to justifie and maintaine his illegal Commissions of Array. And this he pretended was his birthright by the law of England; which, if it were so, then might he by the same reason command all the money in the Kingdom, for he that carries the Sword will command the Purse.

2. The next thing that he pretended to fight for was his power to call Parliaments when he pleased, and dissolve them when he list. If they will serve his turn, then they may sit by a law to inslave the people, so that the people had better choose all the courtjers and Kings favourites at first, then to trouble themselves with ludicrous elections to assemble the freeholders together, to their great labour and expence both of time and coyn. And these which are chosen Knights and burgesses, to make great preparations, to take long journeys to London, themselves and their attendants, to see the King and Lords in their Parliament robes ride in state to the House, and with Domitian, to catch flies. And no sooner shall there be any breathings, or a Spirit of justice stirring and discovered in the House of Commons, but the King sends the Black rod, and dissolves the Parliament, and sends them back again as wise as they were before, but not with so much money in their purses, to tell stories to the freeholders of the bravery of the King and Lords.

3. Well, if this be too gross, and that the people begin to murmur and clamour for another Parliament, then there goes out another summoning and they meet and sit for some time, but to as much purpose as before. For when the Commons have presented any bill for redress of a publique grievance, then the King hath several games to play to make all fruitless. As, first, his own negative voyce, that if the Lords and Commons are both agreed, then he will advise. Which (I know not by what strange doctrine) hath been construed to be a plain denial, though under favour at the first, it was no more but to allow him two or three days time to consider of the equity of the law. In which time, if he could not convince them of the injustice of it, then ought he by his oath and law to consent to it.

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4. But if by this means the King had contracted hard thoughts from the people, and that not only the Commons, but many of the Lords, that have the same noble blood running in their veins, as those English barons, whose swords were the chief instruments that purchased Magna Charta. Then, that the King might be sure to put some others between him and the peoples hatred, the next prerogative that he pretended to have was to be the sole judge of chivalry, to have the sole power of conferring honors, to make as many lords as he please, that so he may be sure to have two against one, if the House of Commons (by reason of the multitude of the burgesses, which he likewise pretended a power to make as many Borough-towns and Corporations as he pleased) were not packed also. And this is that glorious privilege of the English Parliaments, so much admired for just nothing. For, if his pretended prerogative might stand for law, as was challenged by his adherents, never was there a purer cheat put upon any people, nor a more ready to enslave them, then by privilege of Parliament being just such a mockery of the people, as that (mock) Parliament at Oxford was, where the Kings consent must be the figure and the representative stand but for a cypher.

5. But then, out of Parliament, the people are made to believe that the King hath committed all justice to the judges, and distributed the execution thereof into several courts. And that the King cannot so much as imprison a man, nor impose any thing upon, nor take any thing away from, the people, as by law he ought not to do.

But now see what prerogative he challenges.

1. If the King have a minde to have any publique spirited man removed out of the way, this man is killed, the murthurer known, a letter comes to the judge, and it may be it shall be found but manslaughter. If it be found murthrer, the man is condemned, but the King grants him a pardon, which the judges will allow, if it, the word murthrer, be in it. But, because it is too gross to pardon murthrer, therefore the King shall grant him a lease of his life for seven years, and then renew it (like a bishops lease) as he did to Major Prichard, who was lately justiced, who, being a servant to the Earl of Lindsey, murdered a gentleman in Lincolnshire and was condemned, and had a lease of his life from the King, as his own friends have credibly told me.

2. For matter of liberty. The King or any courtier sends a man to prison, if the judge sets him at liberty, then put him out of his place, a temptation too heavy for those that love money and honor more than God, to bear. Therefore any judgment that is given between the King and a subject, 'tis not worth a rush, for what will not money do even in these days?

Next, he challenges a prerogative to enhance and debase moneys, which by law was allowed him so far as to ballance trade, and no further. That if gold went high beyond sea, it might not be cheap here, to have it all bought up and transported. But under colour of that he challenges a prerogative, that the King may by Proclamation make leather currant, or make a sixpence go for twenty shillings; which, not to mention any thing of the project of farthings or brass money, he that challenges such a prerogative is a potential tyrant. For, if he may make any twelve pence in my pocket worth but two pence, what property hath any man in any thing that he enjoys?

Another prerogative pretended was, that the King may avoid any grant, and so may couzen and cheat any man by a law, the ground whereof is, that the Kings grants shall be taken according to his intention. Which,

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in a sober sence I wish, that all mens grants might be so construed according to their intentions exprest' by word or writing. But by this means, it being hard to know what the King intended, his grants have been like the Devils oracles, taken in any contrary sence for his own advantage.

1.R. In the famous case of Altonwoods² there is vouched the Lord Lovel's case, that the King granted lands to the Lord Lovel and his heirs males, not for service done, but for a valuable consideration of money paid. The Patentee well hoped to have enjoyed the land, not only during his life, but that his heirs males, at least of his body, should have likewise enjoyed it. But the judges finding, it seems, that the King was willing to keep the money and have his land again (for what other reason no mortal man can fathom) resolved that it was a void grant, and that nothing passed to the patentee. I might instance in many cases of like nature, throughout all the reports, as one once made his boast, that he never made or past' any patent or charter from the Crown, but he reserved one starting hole or another, and knew how to avoid it, and so meerly to couzen and defraud the poor patentee. So that now put all these prerogatives together. 1. The Militia by sea and land. 2. A liberty call Parliaments when he pleased, and to adjourn, prerogue or dissolve them at pleasure. 3. A negative voyce, that the people cannot save themselves without him, and must cut their own throats, if commanded so to do.

4. The nomination and making of all the judges, that upon peril of the loss of their places, must declare the law to be as he pleases. 5. A power to confer Honors upon whom, and how he pleases. A covetous base wretch for five or ten thousand pounds to be courted, who deserves to be carted. 6. To pardon murderers, whom the Lord says shall not be pardoned. 7. To set a value and price of moneys as he pleases, that if he be to pay ten thousand pounds, he may make leather by his proclamation to be currant that day, or a five shillings to pass for twenty shillings; and if to receive so much, a twenty shillings to pass for five shillings. And, lastly, a legal theft to avoid his own grants. I may boldly throw down the gauntlet, and challenge all the Machiavels in the world to invent such an exquisite platform of tyrannical domination, and such a perfect tyranny without maim or blemish as this is, and that by law, which is worst of all. But the truth is, these are no legal prerogatives, but usurpatives, encroachments and invasions upon the peoples rights and liberties, and this easily effected without any great depth of policy, for 'tis but being sure to call no Parliaments, or make them useless, and make the judges places profitable, and place Avarice upon the bench, and no doubt the law shall sound as the King would have it. But let me thus far satisfie the ingenuous reader, that all the judges in England cannot make one case to be law that is not reason, no more then they can prove a hair to be white that is black. Which if they should so declare, or adjudge, it is meer nullity, for law must be reason adjudged, where reason is the 'Genus' and the judgment in some court makes the 'Differentiae.' And I never found that the fair hand of the Common Law of England ever reached out any prerogative to the King above the meanest man, but in three cases. 1. In matters of honor and preeminence to his person, and in matters of interest, that he should have mines royal of Gold and Silver, in whose land soever they were discovered; and fishes royal, as sturgeons and whales, in whose streams or waters soever they were taken, which very rarely happened, or

² I have been quite unable to find any record of this "famous case." No one seems to have mentioned it.

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to have tythes out of a parish that no body else could challenge. For, says the Law, 'The most noble persons are to have the most noble things.'

2. To have his patents freed from deceit, that he be not overreached or cousened in his contracts, being employed about the great and arduous affairs of the Kingdom. 3. His rights to be freed from incursion of time, not to be bound up by any statute of non-claim, for indeed possession is a vain plea when the matter of right is in question, for right can never dye. And some such honorable privileges of mending his plea, or suing in what court he will, and some such prerogatives of a middle indifferent nature that could not be prejudicial to the people. But that the law of England should give the King any such vast immense precipitating power, or any such God-like estate that he ought not to be accountable for wicked actions, or male administration and misgovernment, as he hath challenged and averred in his answer to the Petition of Right, or any such principals of tyranny which are inconsistent with the peoples liberties and safety, as the Ark and Dagon, Light and Darkness, in an intensive degree, is a most vain and irrational thing to imagine. And yet that was the ground of the War, as he himself often declared, and that would not half have contented him, if he had come in by the sword. But some rational men object, how can it be murther for the King to raise forces against the Parliament? Since there is no other way of determining differences between the King and his subjects but by the sword, for the law is no competent judge between two supreme powers. And then, if it be onely a contending for each others right, where is the malice that makes the killing of a man murther? Take the answer thus.

First, how is it possible to imagine two supreme powers in one nation, no more then two Suns in one firmament. If the King be supreme, the Parliament must be subordinate. If they supreme, then he subordinate. But then it is alleaged that the King challenged a power onely co-ordinate, that the Parliament could do nothing without him, nor he without them. Under favor two powers co-ordinate is as absurd as the other, for though in quiet times the Commons have waited upon the King and allowed him a negative voyce in matters of less concernment, where delay could not prove dangerous to the people, yet when the Commons shall vote that the Kingdom is in danger, unless the Militia be so and so settled, now if he will not agree to it, they are bound in duty to do it themselves. And 'tis impossible to imagine that ever any man should have the consent of the people to be their King upon other conditions (without which no man ever had right) to wear the diadem, for conquest makes a title amongst wolves and bears but not amongst men.

When the first agreement was concerning the power of Parliaments, if the King should have said 'Gentlemen, are you content to allow me any negative voyce, that if you vote the Kingdom to be in danger, unless such an Act pass, if I refuse to assent, shall nothing be done in such case?' Surely no rational man but would have answered, 'May it please your Majesty, we shall use all dutiful means to procure your royal assent, but if you still refuse, we must not sit still and see ourselves ruined. We must and will save ourselves whether you will or no.' And will any man say that the Kings power is diminished because he cannot hurt the people, or that a man is less in health that hath had many phisitions to attend him. God is omnipotent that cannot sin, and all power is for the peoples good, but a prince may not say that is for the peoples good, which they say and feel to be for their hurt. And as for the malice, the Bar implies that, as when a thief sets upon a man to rob him, he hath no spite to the man, but

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love to the money. But it is an implied malice that he will kill the people unless they will be slaves.

Q. But by what law is the King condemned?

R. By the fundamental law of this Kingdom, by the general law of all nations and the unanimous consent of all rational men in the world, written in every man's heart with the pen of a diamond, in capital letters and a character so legible that he that runs may read, viz. That when any man is entrusted with the sword for the protection and preservation of the people, if this man shall imploy it to their destruction, which was put into his hand for their safety, by the law of that land he becomes an enemy to that people and deserves the most exemplary and severe punishment that can be invented. And this is the first necessary fundamental law of every kingdom, which by intrinsecal rules of government must preserve itself. And this law need not be exprest, that if the King become a tyrant he shall dye for it, 'tis so naturally implied. We do not use to make laws for the preservation of nature, that a man should eat and drink and buy himself cloaths and enjoy other natural comforts. No kingdom ever made any laws for it. And as men are to defend ourselves naturally, without any written law, from hunger and cold, so from outward violence, therefore if a King would destroy a people 'tis absurd and ridiculous to ask by what law he is to dye. And this law of nature is the law of God, written in the fleshly tables of men's hearts, that, like the elder sister, hath a prerogative right of power before any positive law whatsoever. And this law of nature is an undubitable legislative authority of itself, that hath a suspensive power over all humane laws. If any man shall by express covenant under hand and seal give power to another man to kill him, this is a void contract, being destructive to humanity, and by the law of England any act or agreement against the laws of God or nature is a meer nullity. For, as man hath no hand in the making of the Laws of God or Nature, no more hath he power to marre or alter them. If the pilot of a ship be drunk and running upon a rock, if the passengers cannot otherwise prevent it, they may throw him into the sea to cool him. And this question hath received resolution this Parliament. When the militia of an army is committed to a General, 'tis not with any express condition that he shall not turn the mouths of his canons against his own souldiers, for that is so naturally and necessarily implied that it's needless to be exprest'. Insomuch that if he did attempt or command such a thing against the nature of his trust and place, it did 'ipso facto' estate the army in a right of disobedience, unless any man be so grossly ignorant to think that obedience binds men to cut their own throats, or their companions. Nor is this any secret of the law which has lain hid from the beginning, and now brought out to bring him to justice, but that which is connatural with every man, and innate in his judgment and reason, and is as ancient as the first king and an epidemical binding law in all nations in the world. For when many families agree, for the preservation of humane society, to invest any king or governor with power and authority, upon the acceptance thereof there is a mutual trust and confidence between them that the King shall improve his power for their good and make it his work to procure their safeties; and they to provide for his honor, which is done to the Commonwealth in him, as the Sword and ensigns of honor carried before the Lord Major are for the honor of the City. Now as when any one of this people shall compass the death of the governor, ruling well, this is a treason punishable with death for the wrong done to the community, and Anathema be to such a man. So when he or they

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that are trusted to fight the people's battels, and to procure their welfare, shall prevaricate, and act to the enslaving or destroying of the people, who are their leige lords, and all governors are but the people's creatures and the work of their hands, to be accomptable as their stewards (and is it not senseless for the vessel to ask the potter by what laws he calls it to account) this is High Treason with a witness and far more transcendant then in the former case, because the King was paid for his service, and the dignity of the person doth increase the offence. For a great man of noble education and knowledge to betray such a trust and abuse so much love as the Parliament shewed to the King by petitioning him as good subjects, praying for him as good christians, advising him as good counsellors, and treating with him as the great counsel of the kingdom, with such infinite care and tenderness of his honour (a course with [which?]) Gods people did not take with Rehoboam, they never petitioned him but advised him, he refused their counsel, and hearkened to young counsellors, and they cry 'To your tents O Israel' and made quick and short work of it). After all this and much more longanimity and patience (which God exercises towards man to bring him to repentance) from the Lord to the Servant, for him not onely to set up a standard of War, in defiance of his dread sovereign, the People (for so they truly were in nature, though names have befool'd us), but to persist so many years in such cruell persecutions, who with a word of his master might have made a peace. If ever there were so superlative a treason, let the Indians judge. And whoever shall break and violate such a trust and confidence 'Anathema Maranatha' be unto them.

Q. But why was there not a written law to make it treason for the King to destroy the people, as well as for a man to compass the King's death?

Resp. Because our ancestors did never imagine that any King of England would have been so desperately mad as to levy a war against the Parliament and people. As in the common instance of parricide, the Romans made no law against him that should kill his father, thinking that no child would be so unnatural to be the death of him who was the author of his life. But when a child came to be accused for a murther, there was a more cruel punishment then for other homicides, for he was thrown into the sea in a great leather harrel, with a dog, a jakanapes, a cock and a viper, significant companions for him to be deprived of all the elements as in my "Poor Mans Case" fol. 10.³ Nor was there any law made against parents that should kill their children; yet if any man was so unnatural he had an exemplary punishment.

Obj. But is it not a maxime in law, that the King can do no wrong.

Resp. For any man to say so is blasphemy against the Great God of truth and love. For onely God cannot err, because what he wills is right, because he wills it. And 'tis a sad thing to consider how learned men, for unworthy ends, should use such art to subdue the people, by transportation of their senses, as to make them believe that the law is, that the King can do no wrong.

First. For law, I do aver it with confidence but in all humility, that there is no such case to be found in law that if the King rob, or murther, or commit such horrid extravagancies that it is no wrong. Indeed the

³ A pamphlet published by Cook on 1st February, 1648, and entitled "Unum necessarium: or, the Poor Man's case; being an expedient to make provision for all poore people in the Kingdome."

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case is put in H.7 by a chief judge that 'If the King kill a man, 'tis no felony to make him suffer death,' that is to be meant in ordinary courts of justice. But there is no doubt but the Parliament might try the King, or appoint others to judge him for it. We finde cases in law that the King hath been sued even in civil actions.

In 43.E.3.22 it is resolved that all manner of actions did lie against the King, as against any lord, and 24 E.3.23 Wilby, a learned judge, said that there was a writ 'Praeceptum Henrico Rege Angliae.'

Indeed E.1 did make an act of state that men should sue to him by petition, but this was not agreed unto in Parliament (Thelwall title Roje, digest of Writs. 711). But after when judges places grew great, the judges and Bitesheeps (sic) began to sing lullaby, and speak 'Platentia' to the King that 'My lord the King is an angel of light'; now angels are not responsible to men, but God, therefore not Kings. And the judges. they begin to make the King a God, and say that by law his stile is 'Sacred Majesty,' though he swears every hour, and 'Gracious Majesty,' though gracious men be the chief objects of his hatred, and that the King hath an omnipotency and omnipresence.

But I am sure there is no case in law that if the King levy a war against the Parliament and people that is not treason. Possibly that case in Hen. 7 may prove that if the King should in his passion kill a man, this shall not be felony to take away the Kings life, for the inconveniency may be greater to the people by putting the King to death for one offence and miscarriage than the execution of justice upon him can advantage them. But what's this to a leavying of war against a Parliament? Never any judge was so devoid of understanding that he denyed that to be treason. But suppose a judge that held his place at the Kings pleasure did so, I am sure never any Parliament said so. But what if there had in dark times of Popery bin an Act made that the King might murder, ravish, burn and perpetrate all mischiefs and play Reaks [pranks] with impunity, will any man that hath but wit enough to measure an ell of cloth, or to tell twenty, say that there is an obligation for men to stand still and suffer a monster to cut their throats and grant commission to rob at Suters hill [Shooter's Hill?] as such, and no better, are all legal thefts and oppressions. The Doctor says that a statute against giving an alms to a poor man is void. He is no student, I mean, was never bound prentice to reason, that says a King cannot commit treason against the people.

Obj. But are there not negative words in the statute of Ed. 3 [i.e., the Statute of High Treason] that nothing else shall be construed to be treason, but what is there exprest?

Res. That statute was intended for the peoples safety that the Kings judges should not make traytors by the dozens to gratifie the King or courtiers. But it was never meant to give liberty to the King to destroy the people. And though it be said that the King and Parliament onely may declare treason, yet, no doubt, if the King will neglect his duty, it may be so declared without him. For when many are obliged to do any service, if some of them fail the rest must do it.

Obj. But is there any president that ever any man was put to death that did not offend against some written law? For where there is no law there is no transgression.

R. 'Tis very true where there is neither law of God, nor nature, nor positive law, there can be no transgression and therefore that Scripture is much abused to apply it onely to laws positive.

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For.

First, 'ad ea quae frequentias' etc. 'Tis out of the sphere of all earthly law givers to comprehend and express all particular cases that may possibly happen, but such as are of most frequent occurrence. Particulars being different, like the several faces of men different from one another, else laws would be too tedious, and as particulars occur rational men will reduce them to general reasons of state, so as every thing may be adjudged for the good of the community.

2. The law of England is 'Lex non Scripta' and we have direction in the epistle to the 3. Rep. that when our law books are silent we must repair to the law of nature and reason. Hollingshed and other historians tell us that in 20 H.8 the Lord Hungerford was executed for buggery, for which there was then no positive law to make it felony, and before any statute against witchcraft many witches have been hanged in England because it is death by God's law. If any Italian mountebank should come over hither and give any man poison that should lie in his body above a year and a day and then kill him, as it is reported they can give a man poison that shall consume the body in three years, will any man scruple or question to hang up such a rascal? At Naples the great treasurer of corn being intrusted with many thousand quarters at three shillings the bushel, for the common good, finding an opportunity to sell it for five shillings the bushel to foreign merchants, enriched himself exceedingly thereby. And corn growing suddenly dear, the Council called him to account for it, who proffered to allow three shillings for it as it was delivered into his custody, and hoped thereby to escape. But for so great a breach of trust, nothing would content the people but to have him hanged, and though there was no positive law for it, to make it treason, yet it was resolved by the best politicians that it was treason to break so great a trust by the fundamental constitution of the Kingdom, and that for so great an offence he ought to die, that durst presume to enrich himself by that which might endanger the lives of so many citizens. For, as Society is so natural, so governors must of necessity and in all reason provide for the preservation and sustenance of the meanest member, he that is as the little toe of the body politic.

But I know the ingenuous reader desire to hear something concerning Ireland, where there were no less than 150,000 men, women and children, most barbarously and satannically murdered in the first four months of the rebellion as appeared by substantial proofs at the Kings Bench at the trial of Macquire.⁴ If the King had a hand or but a little finger in that massacre, every man will say 'let him die the death.' But how shall we be assured of that? How can we know the tree better than by its fruits? For my own particular, I have spent many serious thoughts about it and I desire in doubtful cases to give charity the upper hand, but I cannot in conscience acquit him of it. Many strong presumptions and several oaths of honest men that have seen the Kings commission for it, cannot but amount to a clear proof.⁵ If I meet a man running down stairs with a bloody sword

⁴ Connor or Cornelius Maguire, second Baron Enniskillen, tried as a commoner in England by Mr. Justice Bacon, early in 1645, for his share in the Irish Rebellion of 1641. The estimate of 150,000 English and Scots killed in the first four months is, of course, ridiculous; in all probability under four or five thousand at the most were killed, and there were not more than 100,000 Scots and 20,000 English in all Ireland at the time.

⁵ This pretended commission was a notorious forgery. Every effort was made to induce Sir Phelim O'Neill, the leader of the rebels, to admit the

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in his hand, and find a man stabbed in the chamber though I did not see this man run into the body by that man which I met; yet, if I were of the jury, I durst not but find him guilty of the murder. And I cannot but admire, that any man should deny that for him, which he durst never deny for himself. How often was that monstrous rebellion laid in his dish, and yet he durst never deny it. Never was bear so unwillingly brought to the stake, as he was to declare against the rebels [in Ireland]. And when he did once call them rebels, he would suffer but forty copies to be printed and those to be sent to him sealed. And he hath since above forty times called them his subjects, and his good subjects and sent to Ormond to give special thanks to some of those rebels, as Muskerry and Plunket (which I am confident, by what I see of his height of spirit and undaunted resolution at his trial and since, acting the last part answerable to the former part of his life, he would rather have lost his life then to have sent thanks to two such incarnate devils, if he had not been as guilty as themselves). Questionless if the King had not been guilty of that blood, he would have made a thousand declarations against these Blood-hounds and Hell-hounds, that are not to be named but with fire and brimstone, and have sent to all princes in the world for assistance against such accursed devils in the shape of men. But he durst not offend these Fiends and Firebrands. For, if he had, I verily believe they would have soon have produced his Commission under the hand and seal of Scotland, at Edinburgh, 1641, a copy whereof is in the Parliaments hands, attested by oath, dispersed by copies in Ireland, which caused the general rebellion.

Obj. He did not give commission to kill the English, but to take their forts, castles and arms, and come over and help him.

And is it like all this could be effected without the slaughter of the poor English? Did the King ever call them rebels, but in forty proclamations wrung out of him by force, by the Parliaments importunity. Murthuring the Protestant was so acceptable to him. And with this limitation, that none should be published without his further directions as appears under Nichol his hand⁶ now in the Parliaments custody. But the Scots were proclaimed rebels before they had killed a man, or had an army, and a prayer against them enjoined in all churches. But no such matter against the Irish.

Well, when the rebels were worsted in Ireland, the King makes war here to protect them; which, but for his fair words had been prevented; often calling God to witness, he would as soon raise war on his own children. And men from Popish principles assist him. Well. We fought in jest and were kept between winning and losing. The King must not be too strong, lest he revenge himself; nor the Parliament too strong, for the Commons would rule all, till Naseby fight, that then the King could keep no more days of thanksgiving so well as we. Then he makes a cessation in Ireland, and many Irish come over to help him. English came over with Papists, who had scarce wiped their swords since they had killed their wives and children, and had their estates.

But thus I argue; the Rebels knew that the King had proclaimed them

genuineness of this document at his trial in 1653, and a pardon was several times offered him after his conviction if he would do this, but he steadily and honourably refused to do so, and was executed on 10th March, 1653. It was O'Neill who produced the sham Royal Commission at Armagh in 1641.

⁶ Probably John Nicol or Nicoll, diarist and writer to the signet, vol. i. of whose work, containing proclamations and public papers every year from 1637 to 1649, has been lost.

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traitors, and fourty copies were printed, and the first clause of an oath enjoyned by the General Council of rebels was, 'To bear true faith and allegiance to King Charls, and by all means to maintain his Royal prerogative against the Puritans in the Parliament of England.' Now is any man so weak in his intellectuals as to imagine, that, if the rebels had without the Kings command or consent, murdered so many Protestants, and he thereupon had really proclaimed them rebels, that they would, after this, have taken a new oath to have maintained his prerogative. No, those bloody devils had more wit then to fight in jest. If the King had once in good earnest proclaimed them rebels, they would have burnt their scabbards and would not have stiled themselves the Kings and Queens Army as they did. And truly that which the King said for himself, that he would have adventured himself, to have gone in person to Ireland to suppress that rebellion is but a poor argument to inforce any man's belief that he was not guilty of the massacre. For it makes me rather think that he had some hopes to have returned in the head of 20 or 30,000 rebels, to have destroyed this nation. For when the Earl of Leicester was sent by the Parliament to subdue the rebels, did not the King hinder him from going? And were not the cloaths and provisions which were sent by the Parliament for the relief of the poor Protestants there seized upon by his command and his Men of War, and sold or exchanged for Arms and Ammunition to destroy this Parliament? And does not every man know that the rebels in Ireland gave letters of mart for taking the Parliaments ships, but freed the Kings as their very good friends? And I have often heard it credibly reported that the King should say that nothing more troubled him but that there was not as much Protestant blood running in England and Scotland as in Ireland. And when that horrid rebellion began to break forth, how did the papists here triumph and boast that they hoped ere long to see London streets run down in blood? And yet I do not think that the King was a papist, or that he designed to introduce the Pope's supremacy in spiritual things into this kingdom. But thus it was. A Jesuitical party at Court was too prevalent in his Councils and some mungrel Protestants that less hated the Papists then the Puritans by the Queens mediation joyned altogether to destroy the Puritans, hoping that the Papists and the Laodicean Protestant would agree well enough together. And, lastly, if it be said that the King and the rebels were never fain out, what need had Ormond to make a pacification or peace with them by the Kings commission under the great Seal of Ireland. Truly there hath been so much daubing and so little plain dealing that I wonder how there came to be so many beggars.

Concerning the betrayal of Rochel, to the enslaving of the Protestant party in France, I confess, I heard so much of it, and was so shamefully reproached for it in Geneva, and by the Protestant ministers in France, that I could believe no less then that the King was guilty, of it. I have heard fearful exclamations from the French Protestants against the King and the late Duke of Buckingham for the betrayal of Rochel. And some of the ministers told me ten years since that God would be revenged of the wicked King of England for betraying Rochel. And I have often heard Deodati say, concerning Henry the Fourth of France that the Papists had his body, but the Protestants had his heart and soul; but for the King of England, the Protestants had his body, but the Papists his heart. Not that I think he did believe transubstantiation (God forbid I should wrong the dead) but I verily believe that he loved a Papist better than a Puritan.

The Duke of Roan [Rohan] who was an honest gallant man and the Kings godfather, would often say that all the blood which was shed in

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Daulphin [Dauphiné] would be cast upon the King of England's score. For thus it was. The King sent a letter to the Rochelers by Sir William Brether to assure them that he would assist them to the uttermost against the French King, for the liberty of their religion, conditionally that they would not make any peace without him, and Montague was sent into Savoy and to the Duke of Roan, to assure them from the King that 30,000 men should be sent out of England to assist them against the French King, in three fleets. One to land in the isle of Ree, a second in the river of Bordeaux and a third in Normandy. Whereupon the Duke of Roan being general for the Protestants, not suspecting that the French durst assault him in Daulphin (because the King of England was ready to invade him, as he had promised) drew out his army upon disadvantage. Whereupon the French King employed all his army into Daulphin against the Protestants, who were forced to retreat and the Duke of Roan to flee to Geneva and the Protestants to accept of peace upon very hard conditions, to stand barely at the Kings devotion for their liberties, without any cautionary towns of assurance, as formerly they had, being such a peace as the sheep make with the wolves when the dogs are dismiss'. And the Protestants have ever since cryed out to this day 'It is not the French King that did us wrong, for then we could have born it, but it was the King of England, a profest' Protestant, that betrayed us.' And when I have many times intreated Deodati and others to have a good opinion of the King, he would assure me that we are commanded to forgive our enemies but not to forgive our friends.

There is a French book, printed about two years since, called "Memoires (sic) du Monsieur de Roan," where the Kings horrid perfidiousness and deep dissimulation is very clearly unfolded and discovered.⁷ To instance but in some particulars. The King having solemnly ingaged to the Rochelers that he would hazard all the forces that he had in his three kingdoms rather than they should perish, did in order thereunto, to gain credulity with them send eight ships to sea, commanded by Sir John Pennington, to assist the Rochelers, as was pretended, but nothing less intended. For Pennington assisted the French King against the Rochelers, which made Sir Ferdinando Gorge to go away with the great "Neptune" in detestation of so damnable a plot. And the English masters and owners of ships, refusing to lend their ships to destroy the Rochelers, whom with their souls they desired to relieve, Pennington, in a mad spite shot at them.⁸

⁷ The reverse is the case. "The Memoirs of the Duke of Rohan" were translated into English by George Bridges in 1660. In dedicating his book to Ormond the translator remarks that he was "principally induced" to do this "by some passages tending to the vindication of our late incomparable King and Martyr, from no less false than foule aspersions concerning Rochelle, (His care and diligence to order this relief being here acknowledged by persons more concerned, than our pretended propagators of religion, the Rochellers ruine being chiefly occasioned by their own inconstancy, refusing to admit these succours, when come, which they before, even with tears implored, and their own intestine divisions and factions) with which his blasphemous and rebellious subjects first sought to wound his fame, that with more security they might imbrew their hands in his most sacred blood." Cook is not mentioned by name, but is evidently intended by this.

⁸ This falsehood was taken from Buckingham's impeachment. No evidence was offered in support of it, and historians of all schools have dismissed it as absurd. Admiral Sir John Pennington died in 1646, and therefore could not deny Cook's falsehoods.

Cook's "Speech" against the King.

Subise being agent here in England for the French Protestants acquainted the King how basely Pennington had dealt, and that the English ships had mowed down the Rochel ships like grass, not onely to the great danger and loss of the Rochelers, but to the eternal dishonour of this nation, scandal of our religion and disadvantage of the general affairs of all the Protestants in Christendom. The King seems to be displeased and says "What a knave is this Pennington?" But whether it was not fained, let all the world judge. But the thing being so plain, said Subise to the King, "Sir, why did the English ships assist the French King and those that would not were shot at by your admiral? The French Protestants are no fools, how can I make them believe that you intend their welfare?" The King was much put to it for a ready answer but at last thus it was patcht' up. That the French King had a design to be revenged of Genoa for some former affront; and the King lent him eight English ships to be employed for Genoa, and that sailing towards Genoa they met with some of the Rochelers accidentally, and that the English did but look on, and could not help it, not having any commission to fight at that present, wherein the Rochelers might and would have declined a fight, if they had not expected our assistance. But still the poor Protestants were willing, rather to blame Pennington then the King, who in seeming great zeal, being surety for the last peace between the French King and his Protestant subjects, sends Devick to the Duke of Roan to assure him that if Rochel were not speedily set at liberty (which the French King had besieged, contrary to his agreement) he would employ his whole strength, and in his own person see it performed. Which not being done, then the King sends the Duke of Buckingham to the isle of Ree, and gives new hopes of better success to Subise, commanding the admiral and officers in the fleet, in Subise's hearing, to do nothing without his advice. But when the Duke came to land at the Isle of Ree, many gallant English men lost their lives, and the Duke brought back 300 tuns of corn from the Rochelers, which he had borrowed of them, pretending a necessity for the English men, which was but feined, knowing it was a city impregnable, so long as they had provisions within. I confess the Rochelers were not wise to lend the Duke their corn, considering how they had been dealt with. But what a base thing was it so to betray them and to swear to them that they should have corn enough sent them from England, before they wanted it. And for a long time did God miraculously send them in a new kind of fish, which they never had before. But when the Duke came to Court, he made the honest English believe, that Rochel would be suddenly relieved, and that there was not the least danger of the loss of it. But Secretary Cook, an honest understanding gentleman, and the onely friend at Court to the Rochelers, laboring to improve his power to send some succor to Rochel, was suddenly sent away from Court upon some sleeveless errand, or as some say, to Portsmouth, under colour of providing corn for Rochel, but the Duke soon after went thither and said, his life upon it, Rochel is safe enough. And the next day Subise being at Portsmouth, he prest' the Duke of Buckingham most importunately to send relief to Rochel then or never. The Duke told him that he had just then heard good news of the victualing of Rochel, which he was going to tell the King. Which Subise making doubt of, the Duke affirmed it by an oath and having the words in his mouth he was stab'd by Felton and instantly died. The poor Rochelers, seeing themselves so betrayed, exclaimed of the English and were constrained by famine to surrender the city. Yet new assurances came from the King

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to the Duke of Roan, that he should never be abandoned, and that he should not be dismayed nor astonished for the loss of Rochel.

But Subise spoke his mind freely at Court, that the English had betrayed Rochel, and that the loss of that city was the apparent loss and perdition, of 32 places of strength from the French protestants in Langurdock, Piedmont (!) and Daulphin, therefore it was thought fit that he should have a fig given him to stop his mouth. Well, not long after two Capuchins were sent into England to kill honest Subise, and the one of them discovered the other. Subise rewarded the discoverer, and demanded justice here against the other, who was a prisoner.²

But by what means you may easily imagine, that assassinate Rascal, instead of being whipt', or receiving some more severe punishment, was released and sent back into France with money in his purse. And one of the messengers that was sent from Rochel to complain of these abominable treacheries, was taken here, and as the Duke of Roan writes¹ was hanged for some pretended felony or treason, and much more to this purpose may be found in the Duke of Roan's Memorials. But yet I know many wise sober men to acquit the King from the guilt of the loss of Rochel and lay it upon the Duke, as if it were but a loss of his reputation.

They say that the Duke of Buckingham agitated his affairs neither for religion, nor for the honour of his master, but only to satisfie his passion in certain foolish vows which he made in France, entred upon a war, and that the business miscarried through ignorance and for want of understanding to manage so difficult a negotiation, he being unfit to be an Admiral or a General.

I confess that for many years I was of that opinion, and thought that the King was seduced by evil counsel. And some thought that Buckingham and others ruled him as a childe and durst do what they list. But certainly he was too politique and subtle a man to be swayed by anything but his own judgment. Since Naseby letters I ever thought him principal in all transactions of state and the wisest about him but accessories. He never acted by any implicit faith in State matters. The proudest of them all durst never cross him in any design' when he had once resolved upon it. Is any man so soft brained as to think that the Duke or Pennington durst betray Rochel without his command? Would not he have hanged them up at their return, if they had wilfully transgressed his commands? A thousand such excuses made for him are but like Irish quagmires, that have no solid ground or foundation in reason. He was well known to be a great student in his younger days, that his father would say he must make him a bishop. He had more learning and dexterity in State affairs than all the Kings in Christendom. If he had had grace answerable to his strong parts, he had been another Solomon, but his wit and knowledge proved like a sword in a mad-mans hand. He was a stranger to the work of grace and the spirit of God, as the poor creature confess' to me soon after he was condemned.[!] And all those maeanders in State, his serpentine turnings and windings have but brought him to shame and confusion. But I am fully satisfied none of his Council durst ever advise him to any thing but what they knew before he resolved to have done. And that

² This is utterly false, the would-be assassin (sent by Richelieu) was "one Pojanne, a Captain that had formerly served under the Duke of Soubize." The betrayer was "a gentleman of Anjou." The story is told on p. 189 of the "Memoirs" of the Duke of Rohan.

¹ He does not.

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they durst as well take a bear by the tooth as, do, or consent to, the doing of anything but what they knew would please him. They did but hew and square the timber, he was the Master builder that gave the form to every architecture and, being so, able to discern of every man's merits. Never think that the Duke or Pennington, or any judge or officer, did ever any thing for his advantage without his command against Law or Honor.

Upon all which premises, may it please your lordships, I do humbly pray and demand the justice of this high court and yet not I, but the innocent blood that hath been shed in the three kingdoms demands justice against him. This blood is vocal and cries loud, and yet speaks no better but much louder then the blood of Abel. For what proportion hath the blood of that righteous man to the blood of so many thousands? If King Ahab and Queen Jezabel, for the blood of one righteous Naboth (who would not sell his inheritance for the full value) were justly put to death, what punishment does he deserve that is guilty of the blood of thousands and fought for a pretended prerogative, that he might have any man's estate that he liked, without paying for it? This blood hath long cried 'How long Parliament, how long Army, will ye forbear to avenge our blood? Will ye not do justice upon the capital author of all injustice? When will ye take the proud lyar by the beard, that defies you with imperious exultations? What's the House of Commons? What's the Army? As Pharoah said 'Who is the Lord?' And who is Moses?' I am not accountable to any power on earth, those that were murdered at Brainford, knockt' on the head in the water, and those honest souls that were kild at Bolton and Liverpool in Lancashire, at Bartomley in Cheshire and many other places, their blood cries night and day for justice against him, their wives and children cry justice upon the murderer, or else give us our fathers and husbands again. Nay, should the people be silent, the very stones and timber of the houses would cry for justice against him. But my lord, before I pray judgment, I humbly crave leave to speak two particulars.

1. Concerning the prisoner. When I consider what he was and how many prayers have been made for him, though I know that all the world cannot restore him nor save his life, because God will not forgive his temporal punishment, yet if God will be pleased in him to add one example more to his Church, of his unchangeable love to his elect in Christ, not knowing but that he may belong to the election of grace, I am troubled in my spirit in regard of eternal condition, for fear that he should depart this life, without love and reconciliation to all those Saints whom he hath scorned under the notion of Presbyterians, Anabaptists, Independents and Sectaries. It cannot be denied but that he hath spent all his days in unmeasurable pride, that during his whole reign, he hath deposed himself as a God, been depended upon and adored as God, that hath challenged and assured an omnipotent power, an earthly omnipotence that with the breath of his mouth hath dissolved Parliaments. His 'Non placet' hath made all the counsels of that Supreme Court to become abortive. 'Non curo' hath been his motto, who instead of being honored as good kings ought to be, and no more, hath been idolized and adored as our good God onely ought to be. A man that hath shot all his arrows against the upright in the land, hated Christ in all his members, swallowed down unrighteousness as the ox drinks water, esteemed the needy as his footstool, chrusht' honest publique spirited men, and grieved when he could not afflict the honest more then he did, counted it the best art and policy to suppress the righteous, and to give way to his courtiers so to gripe, grinde, oppress and overreach the free

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people of this land that he might do what he list (the remembrance whereof would pierce his soul, if he knew the preciousnesse of it). But all sins to an infinite mercy are equally pardonable, therefore my prayer for this poor wretch shall be that God would give him repentance to life, that he may believe in that Christ, whom he hath imprisoned, persecuted and murdered in the Saints. That he which hath lived a tyrant and hated nothing so much as holiness, may die a convert and in love to the Saints in England, that so the tears of the oppressed and the afflicted may not bear so many fiery stinging serpents causing an eternal despairing, continual horror to this miserable man, when all tyrants shall be astonisht' and innocent blood will affright more then twelve legions of Divels. All the hurt I wish to him is that he may look the Saints in the face with comfort, for the Saints must judge the world. And however it may be, he, on his adherents, may think it a brave Roman spirit not to repent of any thing, nor expresse any sorrow for any sin, though never so horrid, taking no more care and fear not to change their countenance upon the scaffold then what shall become of them after death. Yet I beseech your lordship that I may tell him and all the malignants now living but this, 'Charls Stuart, unlesse you depart this life in love and reconciliation to all these Saints and godly men whom you have either ignorantly or maliciously opposed mockt' and persecuted, and still scorn and jeer at, as heretiques and sectaries, there is no hopes for you ever to see God in comfort then for me to touch the heavens with my finger, or with a word to annihilate this great building, or for the Divel to be saved, which he might be if he could love a Saint, as such. No Sir, it will be too late for you to say to those Saints whom you have defied, 'Give me some of your holinesse that I may behold God's angry countenance.' You can expect no answer but 'Go buy, Sir, of those soul-hucksters, your Bishops, which fed you with chaff and poyson, and now you must feed upon fire and brimstone to all eternity.'

2. Concerning my self, I bear no more malice to the Man's person then I do to my dear father. But I hate that cursed principle of tyranny that has so long lodged and harbored within him, which has turned our waters of law into blood. And therefore, upon that malignant principle I hope this high court (which is an habitation of justice and a royal palace of principles of freedom) will do speedy justice. That this liar which has devoured so many sheep may not onely be removed out of the way, but that this iron scepter, which has been lifted up to break this poor nation in pieces like a potters vessel may be wrested out of the hands of tyrants. That my honourable clients (for whom I am an unworthy advocate) the people of England, may not onely taste but drink abundantly of the sweet waters of that well of liberty which this renowned Army hath digg'd with their swords. Which was stopt' by the Philistines, the fierce Jew and uncircumcised Canaanite. The hopes whereof made me readily hearken to the call to this service, as if it had been immediately from Heaven, being fully satisfied that the prisoner was long since condemned to die by God's law, which being more noble and ancient then any law of man, if there had been a statute that he should not die, yet he ought to be put to death notwithstanding, and that this high court was but to pronounce the sentence and judgment written against him. And though I might have been sufficiently discouraged, yet considering that there are but two things desirable to make a dumb man eloquent, namely, a good cause and good judges, the first whereof procures the justice of Heaven, and the second justice upon earth. And thinking that happily God might make use of one mear man

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at the Bar, amongst other learned counsel, that more of his minde might appear in it, for many times the lesse there is of man, the more Gods glory does appear and hitherto very much of the minde of God hath appeared in this action, I went as cheerfully about it as to a wedding.² And that the glory of this administration may be wholly given to God, I desire to observe to the praise of his great Name, the work of God in my own spirit, in his gracious assistance and presence with me,³ as a return of prayer and fruit of faith, beleeving that God never calls to the acting of anything so pleasing to him as this most excellent court of Justice is. But he is present with the honourable judge(s) and those that wait upon them. I have been sometimes of Council against felons and prisoners, but never moved the Court to proceed to judgment against any felon, or to keep any man in prison, but I trembled at it in my thoughts, as thinking it would be easier to give an account of mercy and indulgence then of any thing that might look like rigor. But now my spirits are quite of another temper and I hope it is meat and drink to good men to have Justice done, and recreation to think what benefit this nation will receive by it.

And now, my lord, I must as the truth is conclude him guilty of more transcendent treasons and enormous crimes then all the Kings in this part of the world have ever been. And as he that would picture Venus must take the eyes of one, the cheeks of another beautiful woman, and so other parts to make a compleat beauty; so, to delieneate an absolute tyrant, the cruelty of Richard the third and all the subtilty, treachery, deep dissimulation, abominable projects and dishonourable shifts that ever were separately in any that swayed the English scepter, comprised together to make their habitation in this whited wall. Therefore I humbly pray that as he has made himself as president [precedent] in committing such horrid acts, which former Kings and ages knew not, and have been afraid to think of, that your lordship and this high court, out of your sublime wisdoms and for Justice sake, would make him an example for other kingdoms for the time to come. That the Kings of the earth may hear, and fear, and do no more so wickedly. That he which would not be a patern of vertue and an

² At Cook's trial in 1660 one of his friends, a Mr. Nutley, of the Temple, said he had had conversation with Cook whilst the proceedings were going on and desired him to consider the dangerous consequences. Cook answered: "I acknowledge it is a very base business but they put it upon me; I cannot avoid it, you see they put it upon me." He added that Cook was also satisfied that the proceedings were against the oath of allegiance. Another former friend, Mr. Starkey of Gray's Inn, said that Cook admitted to him that Charles I. was "as gracious and wise a prince as any was in the world."

³ In 1650 Cook was sent to conduct a "high court" in Ireland. He subsequently published "A True Relation of Mr. John Cooks passage by sea from Wexford to Kinsale in that great storm January 5," &c. [E. 598 (1).] He adds: "And in my sleep I dreamed, that I was in an upper chamber with my sweet redeemer Christ Jesus and that there were many sailers attended to speak with Him, to beseech him to save their ships and barks that they might not perish by the storm. I thought it was a large roome, wherein was a long table with an ordinary carpet, and two candles standing upon it, two trenchers of tobacco and pipes, and one man walking up and down by the table of a middle stature, about thirty years of age, the hairs of his head long and white as flax but curling at the ends, but the hair of his upper lip browne, clad in sad colour'd clothes and a cloth broad brim'd hat." This was an attendant. The rest is similar to this.

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example of justice in his life, may be a president of justice to others in his death.

Courteous reader, for thy full satisfaction in matter of Law, how the late King was by the Law of the land accountable for his tyrannous and trayterous exorbitancies, I refer thee to my lord presidents most learned and judicious speech before the sentence read. And I have one word to add. That high court was a resemblance and representation of the great Day of Judgment, when the Saints shall judge all earthly powers, and where this judgment will be confirmed and admired, for it was not only "bonum" but "bene"; not only good for the matter but the maner (sic) of proceeding. This high court did not only consult with Heaven for wisdom and direction (a president for other courts to begin every solemn action with prayer) but examined witnesses several days upon oath to inform their consciences and received abundant satisfaction in a judicial way (which by the law of the land was not requisite in treason, the prisoner standing mute) as judges, which before was most notorious and known to them as private persons. And having most perspicuously discerned and weighed the merits of the cause in the ballance of the Sanctuary, Law and Right Reason, pronounced as righteous a sentence as was ever given by mortal men. And yet what action was ever so good but was traduced? Not only by unholy men but by the holy men of the world; that professors should pray for justice and then repine at the execution of it. Blessed Lord! How does the God of this world storm now his kingdom is shaking? An enlightened eye must needs see that it was the design of Heaven to break all humane glory with an iron scepter, that will not kiss his golden scepter and to exalt justice and mercy in the earth. I confess if the greater part of the world should approve such high and noble acts of justice it might be suspected, because the most people will judge erroneously. But that Christians who have fasted and prayed many years for justice, should now be angry to see it done, what is it? But like foolish passengers that having been long at sea in dangerous storms, as they are entering into the quiet haven, to be mad with the pilot because he will not return into the angry seas. But I shall observe one passage in the lord presidents speech, as a scholar may presume to say a word after his master, concerning the many menaces and minatory dangerous speeches wch are given forth concerning this high court. If men must be kill'd for the faithful discharge of their duties to God and their country, I am sure the murtherers will have the worst of it in conclusion, if he should not be known here (though murther is a sin that seldom goes unpunisht' in this world, and never did any Jesuit hold it meritorious to kill men for bringing tyrants and murtherers to justice, or to do such horrid acts in the sight of the Sun). It was a noble saying of the lord president that he was afraid of nothing so much as the not doing of justice. And when he was called to that high place which was put upon him, he sought it not, but desired to be excused more than once, not to decline a duty to God and the people for fear of any loss or danger (being above such thoughts by many stories, as actions testife) but alledging that of himself, out of an humble spirit, which if others had said of him I am sure they had done him a great deal of wrong. And though he might have been sufficiently discouraged, because it was a new unpresidented tribunal of condemning a King. Because never did any King so tyrannize and butcher the people, finde we that in any history and the other side of the leaf you shall find him more than beheaded, even to be quartered and given to be meat to the fowls of the air. Yet the

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glory of God and the love of justice constrained him to accept it, and with what great wisdom and undauntedness of resolution, joynd with a sweet meekness of spirit, he hath performed it, is most evident to all, the malignants themselves being judges. Concerning this high court, to speak anything of this glorious administration of justice is but to show the Sun with a candle. The Sun of justice now shines most gloriously and it will be fair weather in the nation; but, alas, the poore idole is blinde still, and cannot see it, but none so blinde as they that will not see it. However it is not proper or convenient for me at present to speak all the truth that I know (the generation to come will call them blessed) concerning the integrity and justice of their proceedings. Lest I that am a servant should be counted a sycophant, which I abhor in my soul, as my body does poyson; and this I will be bold to say (which I hope God guides my hand to write) this high court hath cut off the head of a tyrant and they have done well. Undoubtedly it is the best action they ever did in all their lives, a matter of pure envy, not hatred, for never shall nor can any men in this nation promerit such honor as these have done, by any execution of justice comparable to this. And in so doing they have pronounced sentence not only against one tyrant but tyranny it self. Therefore if any of them shall turn tyrants, or consent to set up any kind of tyranny by a law, or suffer any unmerciful domineering over the consciences, persons and estates of the free people of this land, they have pronounced sentence against themselves.⁴ But good trees cannot bring forth bad fruits; therefore, let all desperate malignants repent ere it be too late, or of any such ungodly purposes, and fight no longer against God. Every man is sown here as a seed or grain and grows up to be a tree, it behoves us all to see in what ground we stand. Holy and righteous men will be found to be timber for the great building of God in his love, when tyrants and enemies to holiness and justice will be for a threshold or footstool to be trodden upon or fit for the fire.

Lastly for my self, I bless God, I have not so much fear as comes to the thousandth part of a grain. It is for a Cain to be afraid that every man that meets him will slay him! I am not much solicitous whether I dye of a consumption, or by the hand of Ravilliacks, I leave that to my Heavenly father. If it be his will that I shall fall by the hand of violence, 'it is the Lord, let him do what he pleaseth.' If my indentures be given in before the term of my apprenticeship be expired, and that I be at my father's house before night, I am sure there is no hurt in all this. If I have but so much time left, I shall pray my father to forgive the murderer; the blood of Christ can wash away the sins of the deepest stain, but when he sees his childrens blood sprinkled upon the bloody wretch He loves every member as He loves himself. But know this, ye that have conceived any desperate intentions against those honorable justices who have made you

⁴ An eloquent commentary upon this is to be found in "Killing, noe murder," printed secretly in June, 1657. The address to Cromwell with which it opens runs: "May it please your highness . . . my intention in (this) is to procure your highness that justice nobody yet does you and to let the people see the longer they defer it the greater injury they do both to themselves and to you. To your highness justly belongs the honour of dying for the people and it cannot but chose to be an unspeakable consolation to you in the last moments of your life to leave it." The writer goes on in this vein and adds: "You are the true father of your country, for while you live we can call nothing ours and it is from your death that we hope for our inheritances . . . the good you will doe by your death, will something balance the evils of your life."

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freemen, unless you will return to Egypt. If God in wrath to you and love to any of his people, should suffer you to imbrue your hands in any of their innocent blood, either you will repent or not. If you repent, it will cost you ten times more anguish and grief of heart then the pleasure of the sin can cause delight, and what a base thing it is to do that which must be repented of at the best? But if you repent not, it had been better for you never to have been born. But let every man be faithful in doing his duty and trust God with the success, and rejoyce in Christ in the testimony of a good conscience. For he that hath not a soul to lose hath nothing to lose; but, blessed be God, I have no soul to lose [!] therefore I desire onely to fear Him whom to fear "is the beginning of wisdom." And for all malignants to come in and joyn with honest men in setting this nation upon Noble Principles of Justice, Freedom and Mercy to the poor, will be their best and greatest understanding.

Finis.

APPENDIX D.

KING CHARLS, HIS SPEECH

Made upon the

SCAFFOLD

at Whitehall-Gate

Immediately before his execution

On Tuesday the 30 of Jan. 1648

With a relation of the maner (sic) of
his going to Execution

Published by special authority

London

Printed by Peter Cole, at the sign of the

Printing-Press in Cornhil, near the

Royal Exchange, 1649.¹

About ten in the morning the King was brought from St. James's, walking on foot through the park, with a regiment of foot, part before and part behind him, with colours flying, drums beating, his private guard of partizans with some of his gentlemen before and some behind bareheaded,

¹ Two editions, the first E. 540 (17), and the second, bearing Thomason's date "Feb. 23," E. 545 (5). The first edition, apparently, was printed on the day the King was beheaded.

Speech by Charles on the Scaffold.

Dr. Juxon next behind him and Col. Thomlinson (who had the charge of him) talking with the King bareheaded, from the Park up the stairs into the gallery and so into the cabinet chamber where he used to lie.

[Marginal note. "It is observed the King desired to have the use of the cabinet and the little room next it where there was a trap door."]

Where he continued at his devotion, refusing to dine, (having before taken the Sacrament) only about an hour before he came forth, he drank a glass of claret wine and eat a piece of bread about twelve at noon.

From thence he was accompanied by Dr. Juxon, Col. Thomlinson and other officers formerly appointed to attend him and the private guard of partizans, with musketeers on each side, through the Banqueting house adjoining to which the scaffold was erected between Whitehall Gate and the Gate leading into the gallery from St. James's.

[Marginal note. "It was near (if not in) the very place where the first blood in the beginning of the late troubles was shed, when the Kings Cavaliers fell upon the citizens, killed one, and wounded about 50 others."]

The scaffold was hung round with black and the floor covered with black and the Ax and block laid in the middle of the scaffold. There were divers companies of foot, and troops of horse placed on the one side of the scaffold towards Kings Street and on the other side towards Charing Cross, and the multitudes of people that came to be spectators, very great.

The King being come upon the scaffold, look'd very earnestly upon the block and ask'd Col. Hacker if there were no higher. And then spake thus, directing his speech chiefly to Col. Thomlinson.

King: I shall be very little heard of anybody here, I shall therefore speak a word unto you here. Indeed I could hold my peace very well, if I did not think that holding my peace would make some men think I did submit to the guilt as well as to the punishment. But I think it is my duty to God first and to my country for to clear myself both as an honest man and a good King, and a good christian. I shall begin first with my innocency. In troth I think it not very needful for me to insist long upon this, for all the world knows that I never did begin a war with the two Houses of Parliament. And I call God to witness, to whom I must shortly make an account, that I never did intend for to encroach upon their privileges. They began upon me, it is the Militia they began upon, they confest that the Militia was mine, but they thought it fit for to have it from me. And, to be short, if any body will look to the dates of Commissions, of their commissions and mine, and likewise to the Declarations, will see clearly that they began these unhappy troubles, not I. So that as the guilt of these enormous crimes that are laid against me I hope in God that God will clear me of it, I will not, I am in charity. God forbid that I should lay it upon the two Houses of Parliament; there is no necessity of either, I hope that they are free of this guilt. For I do believe that ill instruments between them and me has been the chief cause of all this bloodshed. So that, by way of speaking, as I find myself clear of this, I hope (and pray God) that they may too. Yet, for all this, God forbid that I should be so ill a christian as not to say God's judgments are just upon me. Many times he does pay justice by an unjust sentence, that is ordinary. I will only say this that an unjust sentence [Marginal note. "Strafford."] that I suffered for to take effect, is punished now by an unjust sentence upon me. That is, so far as I have said, to show you that I am an innocent man.

Now for to show you that I am a good christian. I hope there is [Marginal note. "Pointing to D. Juxon."] a good man that will bear me

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witness that I have forgiven all the world, and even those in particular that have been the chief causes of my death. Who they are, God knows, I do not desire to know, God forgive them. But this is not all, my charity must go further. I wish that they may repent, for indeed they have committed a great sin in that particular. I pray God with St. Stephen, that this be not laid to their charge. Nay, not only so, but that they may take the right way to the peace of the kingdom, for my charity commands me not only to forgive particular men, but my charity commands me to endeavour to the last gasp the Peace of the Kingdom. So, Sirs, I do wish with all my soul, and I do hope there is some here [Marginal note. "Turning to some gentlemen that wrote."] that will carry it further, that they may endeavour the peace of the Kingdom.

Now, Sirs, I must show you both how you are out of the way and will put you in a way. First, you are out of the way, for certainly all the way you have ever had yet, as I could find by anything, is by way of conquest. Certainly this is an ill way, for conquest, Sir, in my opinion is never just, except there be a good just cause, either for matter of wrong or just title. And then if you go beyond it, the first quarrel that you have to it, that makes it unjust at the end that was just at the first. But if it be only matter of conquest, there is a great robbery; as a Pirate said to Alexander that he was the great robber, he was but a petty robber: and so, Sir, I do think the way that you are in is much out of the way. Now, Sir, for to put you in the way. Believe it you will never do right, nor God will never prosper you, until you give God his due, the King his due (that is, my successors) and the people their due, I am as much for them as any of you. You must give God his due by regulating rightly His Church (according to the Scripture) which is now out of order. For to set you in a way particularly now I cannot, but only this. A national synod freely called, freely debating among themselves, must settle this, when that every opinion is freely and clearly heard.

For the King, indeed I will not, then turning to a gentleman that touched the Ax, said, hurt not the ax, that may hurt me [Marginal note. "Meaning if he did blunt the edge"]. For the King, the laws of the land will clearly instruct you for that. Therefore because it concerns my own particular, I only give you a touch of it.

For the people. And truly I desire their liberty and freedom as much as anybody whomsoever. But I must tell you that their liberty and freedom consists in having of government; those laws by which their life and their goods may be most their own. It is not for having share in government, Sir, that is nothing pertaining to them. A subject and a sovereign are clean different things, and therefore until they do that, I mean, that you do put the people in that liberty as I say, certainly they will never enjoy themselves.

Sirs. It was for this that now I am come here. If I would have given way to an arbitrary way, for to have all laws changed according to the power of the sword I needed not to have come here. And, therefore, I tell you, and I pray God it be not laid to your charge, that I am the martyr of the people.

In troth, Sirs, I shall not hold you much longer, for I will only say thus to you. That in truth I could have desired some little time longer, because I would have put then that I have said in a little more order, and a little better digested than I have done. And, therefore, I hope that you will excuse me.

Speech by Charles on the Scaffold.

I have delivered my conscience. I pray God that you do take those courses that are best for the good of the Kingdom and your own salvations.

Dr. Juxon: Will your Majesty, though it may be very well known, your Majesties affections towards religion, yet it may be expected that you should say somewhat for the world's satisfaction?

King: I thank you very heartily, my lord, for that I had almost forgotten it. In troth, Sirs, my conscience in religion I think is very well knowne to all the world: and, therefore, I declare before you all that I die a christian, according to the profession of the Church of England, as I found it left me by my father. And this honest man [Marginal note. "Pointing to Dr. Juxon"] I think will witness it.

Then turning to the officers, said, "Sirs, excuse me for this same, I have a good cause and I have a gracious God. I will say no more."

Then turning to Colonel Hacker, he said "Take care that they do not put me to pain. And Sir, this, and it please you—" But then a gentleman coming near the Ax, the King said "Take heed of the Ax. Pray take heed of the Ax."

Then the King, speaking to the Executioner said "I shall say but very short prayers, and when I thrust out my hands—"

Then the King called to Dr. Juxon for his night-cap, and having put it on said to the executioner "Does my hair trouble you?" Who desired him to put it all under his cap. Which the King did accordingly, by the help of the executioner and the bishop.

Then the King turning to Dr. Juxon said, "I have a good cause, and a gracious God on my side."

Doctor Juxon: There is but one stage more. This stage is turbulent and troublesome; it is a short one. But you may consider, it will soon carry you a very great way. It will carry you from Earth to Heaven. And there you shall find a great deal of cordial joy and comfort.

King: I go from a corruptible to an incorruptible crown; where no disturbance can be, no disturbance in the world.

Doctor Juxon: You are exchanged from a temporal to an eternal crown, a good exchange.

The King then said to the Executioner, "Is my hair well?" Then the King took off his cloak and his George, giving his George to Dr. Juxon, saying "Remember—" [Marginal note. "It is thought for to give it to the Prince."]

Then the King put off his dublet and being in his wastcoat, put his cloak on again. Then looking upon the block, said to the Executioner "You must set it fast."

Executioner: It is fast, Sir.

King: It might have been a little higher.

Executioner: It can be no higher, Sir.

King: When I put out my hands this way [Marginal note. "Stretching them out"] then—

After having said two or three words, as he stood, to himself with hands and eyes lift up. Immediately stooping down laid his neck on the block. And then the executioner again putting his hair under his cap, the King said "Stay for the sign." [Marginal note. "Thinking he had been going to strike."]

Executioner: Yes I will and it please your Majesty.

And after a very little pause, the King stretching forth his hands, the executioner at one blow severed his head from his body. That (*sic*) when

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the Kings head was cut off, the executioner held it up and shewed it to the spectators.

And his body was put in a coffin covered with black velvet for that purpose.

The Kings body now lies in his lodging chamber in Whitehall.

"*Sic transit gloria Mundi.*"

APPENDIX E.

A DECLARATION AND PROTESTATION

Of the Peers, Lords and Barons of the Realm, against the late Treasonable proceedings and tyrannical usurpations of some members of the Commons House, who endeavour to subvert the fundamental laws and Regal government of this Kingdom, and enslave the People to their boundless tyranny instead of freedom.¹

February 8 1648 (i.e. 1649).

We the Peers, Lords and Barons of this realm of England, for the present necessary vindication of the undoubted rights and privileges of Parliament, and more particularly of the House of Peers, the just prerogatives and personal safety of our Kings, the known laws and liberties of this kingdom, the hereditary freedom of all the freemen of this Nation, and our own affronted and contemned honors and authority, against the many late unparallel'd dangerous invasions and treasonable usurpations of a few insolent misadvised Members of the (late) House of Commons, whiles the greatest and ablest part of that House were forcibly detain'd or deter'd from thence, wherewith we find ourselves and the whole Kingdom unsufferably injured and deeply afflicted. Do, after a long expectation of their own ingenious retractations of such unjustifiable exorbitances, which their own judgments and consciences cannot but condemn, whereof we now utterly dispaire; being engaged thereto in point of Honour, Loyalty, Conscience, Oath, and Love to our native country, as also by our Solemn League and Covenant, publicly declare and protest to all the world. That, by the Lawes and Customs of this Realm and usage of Parliament time out of mind, ever since there were Parliaments in this island, the principal Authority and Judicatory of the Parliaments of England hath always constantly resided and ought still to continue only in the King and House of Peers (wherein he always sits) and not in the Commons House; who never had, claimed, nor ought to have any right or power to judge any person or cause civilly or criminally (having no authority to examine any witnesses upon oath, and being no court of Record) but only to accuse and impeach delinquents in and before the House of Peers, where they always have used to stand bare headed at their Bar, but never yet to stand covered, much less to sit, vote or give judgment. And that the House of Commons,

¹ Thomason Tract, 669, f. 13 (84).

A Declaration and Protestation.

without the concurrent assent of the House of Peers and Kings of England never heretofore challenged nor enjoyed, nor can of right pretend to any lawful power or jurisdiction to make or publish any firm or binding Ordinance, Vote, Act, or Acts of Parliament whatsoever. Nor ever once presumed to pass any Act or Acts to erect a new High Court of Justice, to try condemn or execute the meanest subject, least of all their own Sovereign Lord and King, or any peer of the Kingdom, who by the Common and Statute Laws of this Realm and Magna Charta ought to be tryed only by their peers and not otherwise; or to disinherit the right Heir to the Crown; or to alter the Fundamental Government, Laws, Great Seal, or ancient forms of process and legal proceedings of this Realm, or to make or declare High Treason to be no treason; or an act to be treason which in itself, or by the Law of the Land is no treason; or to dispose of any offices or places of judicature or impose any penalties, oaths or taxes on the subjects of this realm. And therefore we do here, in the presence of Almighty God, Angels and Men, from our hearts, disclaim, abhor and protest against all Acts, Votes, Orders, or Ordinances of the said members of the Commons House lately made and published, for setting up any new court of Justice to try, condemn or execute the King, or any Peer or Subject of this realm (which for any person or persons to sit in or act as a judge or commissioner, to the condemning or taking away the life of the K. or any Peer, or other subject, we declare to be High Treason and wilful murther), to disinherit the Prince of Wales of the Crown of England, or against proclaiming him King after the Royal Fathers late most impious, trayterous and barbarous murther, or to alter the Monarchical Government Lawes, Great Seale, Judicatories and ancient forms of Writs and legal process and proceedings; or to keep up and make good any commissioners, judges or officers, made void by the Kings bloody execution; or to continue any old, or raise any new forces or Armies; or to impose any new taxes, payments, oaths or forfeitures on the subjects; or to take away any of their lives, liberties, or estates against the fundamental laws of the realm; or to make any new Judges, Justices or Officers; or set aside the House of Peers (far ancients than the Commons House), and particularly this ignorant and frantique vote of Febr. 6 (That the House of Peers in Parliament is useless and dangerous and ought to be abolished, and that an Act be brought in for that purpose) to be not only void, null and illegall in themselves by the Laws and Statutes of this Realm, but likewise treasonable, detestable, tyrannical and destructive to the priviledges, rights and being of Parliaments, the just prerogatives and personal safety of the Kings of England, the fundamental Government and laws of the realm, the lives, liberties, properties and estates of the People; and the most transcendent tyranny and usurpation over the King, Kingdom, Parliament, Peers, Commons and Freemen of England ever practised or attempted in any age, tending only to dishonour, inslave and destroy this ancient flourishing kingdom and set up anarchy and confusion in all places.

All which exorbitant and trayterous usurpations, We and all freeborn Englishmen are by all obligations bound to oppose to the uttermost with our lives and fortunes, least we should be accessories to our own and our posterities slavery and ruin, for preventing whereof we have lately spent so much blood and treasure against the malignant party, whose treasons and insolencies they farre exceed.

Finis

[No imprint]

King Charles I.

APPENDIX F.

A SOLEMN LEAGUE AND COVENANT FOR REFORMATION AND DEFENCE OF RELIGION IN THE THREE KINGDOMS OF SCOTLAND ENGLAND AND IRELAND.

Note.—For the numerous “ordinances” by which this oath was ordered to be taken by all classes of Englishmen from 1643 (Sept. 20) to 1648 (Dec. 2) see Firth and Raits “Acts and Ordinances of the Interregnum,” Vol. iii., p. 41.

We Noblemen, Barons, Knights, Gentlemen, Citizens, Burgesses, ministers of the gospel, Commons of all sorts, in the kingdoms of Scotland, England and Ireland, and by the providence of God living under one King, and being of one reformed religion, having before our eyes the glory of God and the advancement of the Kingdom of our Lord and Saviour, Jesus Christ, the honour and happiness of the Kings Majesty and his posterity, and the true public liberty, safety and peace of the Kingdoms, wherein every ones private condition is included. And calling to mind the treacherous and bloody plots, conspiracies attempts and practices of the enemies of God against the true religion and professors thereof in all places, especially in these three Kingdoms, ever since the reformation of religion, and how much their rage, power and presumption are of late, and at this time, increased and exercised, whereof the deplorable estate of the Church and Kingdom of Ireland, the distressed estate of the Church and Kingdom of England and the dangerous estate of the Church and Kingdom of Scotland are present and public testimonies. We have now at last after other means of supplication, remonstrance, protestations and sufferings, for the preservation of ourselves and our religion from utter ruin and destruction, according to the commendable practice of these Kingdoms in former times and the example of Gods people in other nations, after mature deliberation Resolved and Determined to enter into a mutual and Solemn League and Covenant, wherein we all subscribe, and each one of us for himself, with our hands lifted up to the most High God, do swear.

I. That we shall sincerely, really and constantly, through the Grace of God, endeavour in our several places and callings, the preservation of the reformed religion in the Church of Scotland, in doctrine, worship, discipline and government, against our common enemies, the reformation of religion in the Kingdoms of England and Ireland, in the doctrine, worship, discipline and government according to the word of God and the example of the best reformed churches, and shall endeavour to bring the Churches of God in the three Kingdoms to the nearest conjunction and uniformity in religion confession of faith, form of church government, directory for

The Solemn League and Covenant.

worship and catechising that we, and our posterity after us, may as brothers, live in faith and hope and the Lord may delight to dwell in the midst of us.

II. That we shall in the like manner, without respect of persons, endeavour the extirpation of Popery, Prelacie, that is Church government by Archbishops, Bishops, their Chancellors, Commissaries, Deanes and Chapters, Archdeacons and all other Ecclesiastical officers, depending on that Hierarchy, Superstition, Heresie, Schism, Prophanesse and whatsoever shall be found to be contrary to sound doctrine and the power of godliness, lest we partake in other mens sins, and thereby be in danger to receive of their plagues and that the Lord may be one and his name one in the three Kingdoms.

III. We shall with the same sincerity, reality and constancie in our severall vocations, endeavour with our estates and lives mutually to preserve the rights and privileges of the Parliaments and liberties of the Kingdom. And to preserve and defend the Kings Majestys person, and authority in the preservation and defence of the true religion and liberties of the Kingdoms, that the world may bear witness with our consciences of our loyalties and that we have no thoughts nor intentions to diminish his Majestys just power and greatness.

IV. We shall also with all faithfulness endeavour the discovery of all such as have been or shall be incendiaries, malignants or evil instruments, by hindering the reformation of religion, dividing the King from his people, or one of the Kingdoms from another, or making any faction or parties amongst the people, contrary to this league and covenant, that they may be brought to public tryall and receive condign punishment, as the degree of their offences shall require or deserve, or the supream judicatories of both Kingdoms respectively, or others having power from them for that effect shall judge convenient.

V. And whereas the happiness of a blessed peace between these Kingdoms, denied in former times, to our progenitors, is by the good providence of God granted unto us and hath lately been concluded and settled by both Parliaments. We shall each one of us, according to our place and interest, endeavour that they may remain conjoyned in a firm peace and union to all posterity, and that justice may be done upon the wilful opposers thereof in manner expressed in the precedent article.

VI. We shall also according to our places and callings in this common cause of religion, liberty and peace of the Kingdoms, assist and defend all those that enter into this league and covenant in the maintaining thereof and shall not suffer others directly or indirectly, by whatsoever combination, persuasion or terror to be divided and withdrawn from this blessed union and conjunction, whether to make defection to the contrary party, or to give ourselves to a detestable indifferency or neutrality in this cause, which so much concerneth the glory of God and the good of the Kingdom and the honour of the King. But shall all the days of our lives zealously and constantly continue therein, against all lets and impediments whatsoever. And what we are not able ourselves to suppress and overcome we shall reveal and make known, that it may be timely prevented or removed. All which we shall do as in the sight of God. And because these Kingdoms are guilty of many sins and provocations against God and his son Jesus Christ, as is too manifest by our present distresses and dangers, the fruits thereof we profess and declare before God and the world, our unfeigned

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desire to be humbled for our sins and for the sins of these Kingdoms. Especially that we have not as we ought valued the inestimable benefits of the Gospel, that we have not laboured for the purity and power thereof, and that we have not endeavoured to receive Christ in our heart, nor to walk worthy of Him in our lives, which are the causes of our sins and transgressions so much abounding amongst us. And our true and unfeigned purpose desire and endeavour for ourselves and all others under our power and charge, both in publick and in private, in all duties we owe to God and Man to amend our lives and each one to go before another in the example of a real reformation, that the Lord may turn away his wrath and heavy indignation and establish the Churches and Kingdoms in truth and peace. And this covenant we make in the presence of Almighty God, the Searcher of all hearts, with a true intention to perform the same, as we shall answer at that great day, when the secrets of all hearts shall be disclosed, most humbly beseeching the Lord to strengthen us by his Holy Spirit to this end and to bless our desires and proceedings with such success as may be deliverance and safety to his people, encouragement to other Christian Churches, groaning under or in danger of, the yoke of antichristian tyranny, to join in the same, or like association and covenant, to the glory of God, the encouragement of the Kingdom of Jesus Christ and the peace and the tranquillity of Christian Kingdoms and Commonwealths.

Extract from the "Kingdoms Intelligencer" (Henry Muddiman) for 20th-27th May, 1661 :

"Westminster. May 22. This day (according to order of both Lords and Commons) that pernicious oath, called the Solemn League and Covenant, was burn'd by the hand of the common hangman in the New Palace Westminster, in Cheapside and at the Old Exchange. The executioner, to give the hangman his due, did his part perfectly well, for, having kindled his fire, he tore that Solemn League into very many pieces; first burned the Preface, and then cast each parcel solemnly into the fire, lifting up his hands and eyes, not leaving the least shread, but burn'd it root and branch. What a damnable wicked Covenant was this, that makes us applaud the very hangman for burning it! This is that fatal oath, born in Scotland and fed in both Kingdoms with the blood and livelihood of more thousand Christians than this oath had words, for you formerly were told that this Covenant consists of that Beastly number of 666 words, neither more nor less."

(Note.—As a matter of fact the Covenant contains 966 words, and the Apocalyptic number, 666, is arrived at by writing the "9" in this number upside down.)

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